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THE HISTORY & ANTIQUITIES of the County Palatine OF Durham.

BY

WILLIAM HUTCHINSON. F.A.S.

LINDISFARN.

Vol. I.

DURHAM.

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TO THE

HONOURABLE AND RIGHT REVEREND

JOHN EGERTON,

LORD BISHOP OF DURHAM,

THE FOLLOWING

HISTORY OF THE COUNTY PALATINE OF DURHAM,

(THE MITRE OF WHICH
HIS LORDSHIP WEARS WITH A GRACE AND DIGNITY
BECOMING SO DISTINGUISHED A SEE),
IS MOST HUMBLY INSCRIBED
AND DEDICATED AS A MARK OF GRATITUDE,
AND OF
REVERENCE FOR HIS CHARACTER,
BY THE AUTHOR.

ADVERTISEMENT.

THE liberal manner in which a variety of materials for this work have been contributed, demands the author's earliest and most grateful acknowledgements. He begs leave, with great respect, to confess the honour he received by the bishop of Durham's permission to transcribe, in the office of his auditor, those valuable records hitherto with-held from the public, the DOOMSDAY BOOK of the county, called *Boldon Buke*,* and bishop Hatfield's Survey, so material to this work in the elucidation of ancient tenures and services.

With equal gratitude he confesses his obligations to *Marmaduke Tunstall*, esq; of *Wycliffe*, for the MS. volume of Burton's MONASTICON EBORACENSE, Heraldic Visitation Books, and other materials of consequence; and also for the fine plate of bishop Tunstall, engraved from an original painting in his possession.

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To Mr *James Allan*, of *Darlington*, for his compendious collection of extracts from public records, as well those of the acts of the crown, as parliamentary and provincial; references to authorities compiled in an extensive train of reading, and other valuable materials.

* This book is kept in the Auditor's Office at Durham: It is a small folio, consisting of 24 pages, wrote in a bad hand, about the year 1183, by order of bishop Pudsey; relates only to the bishop's demesnes, or the villainage tenures; and takes no notice of the barons, or tenants *in capite*. This book has been always reckoned of great value and curiosity, and admitted several times as evidence in the courts of law at Durham. There is a neat transcript of it in the Chapter library at Durham, made by Christ. Hunter, M. D. and another is extant in the Bodleian library at Oxford (LAUD I. 52), being a thin quarto, consisting of 23 closely written paper leaves, and has once belonged to bishop Tunstall, whose name, CUTHBERTUS DUNELM, E. written as it seems by his own hand is at the bottom of the first page: It is wrote in a small neat hand, about the age of Henry IV. The cover has been blue velvet, and in the inside has the following title, "Boldon Book—*Inquisitio de Consuetudinibus et Redditibus totius Episcopatus Dunelmensis, facta per Hugonem Episcopum anno* 1183."

To the Rev. *Cooper Abbs*, of *Monkweremouth*, for his kind intercession with colonel Gray for some important MSS. of the late counsellor Gray, of Newcastle upon Tyne.

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To Mr *George Pearson*, of *Durham*, for several curious records relative to Sunderland.

To Mr *Robert Harrison* of *Durham*, and Mr *Jos. Ritson*, of *Gray's-Inn*, for their collections from the Harleian and Cottonian

libraries, their various MSS. and other valuable materials; and in particular to the former gentleman, for many ingenious observations, and several volumes of counsellor Gray's MSS.

To Mr *Leonard Hartley*, of *Middleton-Tyas*, for some MSS. of the late Thomas Gyll, esq.

To Mr *Robert Richardson*, of *Frosterly*, for much information, and a plan of the strata in Weredale mines.

To Mr *Jasper Harrison*, of *Newcastle*, for many remarks, and also for the plate of strata in the mines within Gateshead Fell.

To Mr *Brack Shorter*, of *Pictree*, for his account of the strata in the coal-mines on the banks of the Were.

To the late Mr *George Dixon*, of *Cockfield*, for his curious drawings of the strata in the several coal-mines, and notes thereon.

To Mr *William Kirton*, of *Durham*, for information concerning that city.

To Mr *Lambert*, of the same place, for several drawings and monumental inscriptions.

To Mr *William Charge*, of *Cleasby*, for information on the agriculture of the county.

To Mr *Smith*, of the Foundry at *Chester*, and to Mr *William Blackburne*, of *South-Shields*, for much general information.

After such a train of contributions, the author hath yet to acknowledge one of the greatest debts his gratitude owes upon this occasion. His excellent friend, Mr *George Allan*, of *Darlington*, with a most distinguished liberality, communicated all the collections he had made from his earliest attention to the study of antiquity. Here the author obtained the labours of the Rev. *Tho. Randall*, late master of the grammar-school in Durham, who had employed the whole leisure of his life in making collections from the repositories of the bishops and chapter of Durham; to which were added those of the late *C. Hunter*, M. D. and *Gabriel Swainson*, esq; Here the author also obtained many of the MSS. of *Thomas Gyll*, esq; Mr *John Mann*, late deputy clerk of the peace for this county, and Mr *Ralph Hodgson*, who held several offices under the late prelates. To those Mr Allan added greatly by the works of his own hand. The obligation doth not terminate here:— The pedigrees introduced in the work are chiefly of Mr Allan's arrangement; and the fine portrait of the late bishop Trevor, the plate of Darlington Church, and sundry other plates, &c. are given by him to embellish the labours of his friend.

Such are the obligations of

The AUTHOR.

Barnardcastle,
January 1, 1786.

INTRODUCTION.

THE human genius knows not a nobler effort than that of collecting the various events of distant times, and placing them in such sucessive order and arrangement, as to exhibit a perfect delineation of the rise and progress of states, the civilization of mankind, and advances of science. By the labours of the historian are transmitted the great vicissitudes which have attended on human affairs, and the knowledge of those principles which influenced the prosperity, as well as decline of empires; from which affecting examples, wisdom forms her noblest precepts. In such a review we become interested in the fate of the several personages, who first attempted to release mankind from darkness and babarism, and our hearts participate the joy of those, whose wisdom tamed the ferocity of savage habits, and cultivated the human mind in the school of science and the liberal arts.

Whilst through oral tradition alone interesting events were communicated, history was dark and uncertain; affected by the fortunes of men, and suffering mutilation by the fall of states, much obscurity frequently enveloped the most important changes; for before the invention of letters, public monuments were the chief means of saving the greatest achievements of nations, and the most wonderful acts of providential interposition from oblivion.

To such we are obliged to resort, when we discuss those distant æras, in which letters did not prevail, or in countries where they had not acceptation.

The work of the historian, in the first ages of literature, was laborious and unpleasant; much depending on the uncertain definition of emblematical images, and mysterious traditions; whilst a retrospection through uncultivated ages, with the progress of ignorant and uncivilized nations, furnished disagreeable scenes. It is some happiness to us, that compassionate angels have withheld the humiliating picture from our eyes.

A multitude of records lies before me for the present work: It is a field in which I am the first adventurer:—The toil of arranging such a chaos of materials, will, I flatter myself, prevail with every liberal mind to overlook errors and inadvertencies, into

which I may have fallen. So far as progress is made, I have at least opened the passage to some abler pen, that may perfect the work.

The rise and advancement of this opulent Bishoprick, and the original state of the Palatinate, require my attention, before I proceed to a discription, of the country, or the history of its particular members. To that end it is necessary to look back into antiquity, and to gather up from their obscurity the constituent parts, which have formed this powerful Principality.

The Roman writers, inform us, that this was part of the province of the *Brigantes.* Little information is gained from them, as to the manners of the natives, their interior police, or public character. What they furnish, is chiefly a superficial relation, that they were a brave, hardy and adventurous people, were led to battle by an elected chieftain, and struggled long against the progress of conquest; insomuch that it was not 'till near the 80th year of the Christian æra, that they submitted to the Roman arms: They were esteemed the bravest race of Britons, and consisted of those heroes who would not submit to the invaders as they advanced in conquest, but with a true patriotic virtue strove to retain their native liberty.

We have no authorities from whence to form a conclusion, by what people or from what region, this part of Britain first received its inhabitants: Its vicinity to the German shores, and some striking similarities in ancient customs, habits and religion, render it probable that many settlers came originally from thence, of the Celtæ or Gauls. The Romans indeed tell us, that the few who understood the tillage of lands, dwelt near the shores, and brought the practice from Germany. It would be an impertinent and useless labour to encumber the work with enquiries on this head, or attempt to gather up into one point of view, the various sentiments of the learned on the subject: It must suffice, that the inhabitants of this district, on the accession of the Romans, were the Brigantes. The Ottadini held the territories north of Tyne, bordering on the German ocean; and the Gadeni the mountainous district to the west.

The civil jurisdiction of the Druids, and their principles of religion, universally prevailed over this island. They held the supreme judicature, not under any established code of laws, but on equitable principles: matters of right, and complaints of injuries being determined by such sense as the assembled delegates entertained of impartial justice; and on discordance of opinion in the congress, appeal was made to the Arch-Druid, whose sentence was final. The ceremonies of their religion were few,

and much after the manner of the ancient Hebrews; they worshipped on high places, and in solemn groves; they were not addicted to idolatry, but adored the God of nature, and rendered him praises on the annual succesion of seasons, which they kept as solemn festivals: They seem to have practised little priestcraft, and held not the ignorance of their adherents in the bonds of superstition. Their moral rules were deduced from experience in social life, and their acts of piety attributed to obvious causes in the events of providence; which was of all others the most easy means of calling up the conviction and devotion of ignorant minds. In their civil government we hear of no punishments but two; for crimes of a lower cast, the offender was prohibited joining in public worship, and excommunicated from benefits civil and religious: In this state, he was as *Cain*, an outcast before heaven and before men, being deprived of society, and all its comforts: For crimes of the most atrocious kind, the offender was sacrificed to the attribute of *Justice*, with all the solemnity human art could devise, to render the example tremendous to the spectator.

Their monuments which remain to us from the destroying hand of the Romans, who were assiduous to efface every memorial of them, are of two kinds; one peculiarly adapted to religious offices and contemplations, surrounded with groves; the other consisting of a vast circle of large stones, with a column of superior height separated from the ring, together with an altar. Those are with the greatest probability conjectured to have been their courts of judicature; each large stone in the circle, like the memorials of the Hebrews, at the pass of Jordan, appertaining to a distinct division of the people, who were amenable to that assembly, and where the delegate took his station at the time of convocation. Their assemblies were opened with solemn rites of religion, and therefore the altar was prepared; where, if no sacrifice was made, perhaps the sacred fire, as an emblem of the divine presence, blazed with ordoriferous woods. The column was the awful type of justice, and the place where the criminal suffered death.

The mysteries of their religion were not committed to writing, to prevent schisms, and divisions; their maxims of justice were taught orally, to take away from the people all possibility of chicanery and innovation. The sons of chief personages were disciples in their ethic school, where the rules of moral life were inculcated as the grounds of human wisdom. They studied medicine, and the virtues of plants, of which Misletoe was their chief specific, their whole knowledge of pharmacy consisted. By

reason of several ancient gems, which have been discovered, and attributed to the Druids, they have been charged with superstition, as using divinations and charms; but these when impartially examined, were no other than amulets or religious trinkets, representing the grand attributes of the Divinity, his wisdom, eternity, and universal love.——In the eastern nations the serpent was used emblematically, and the Druids borrowed it, most probably, from emigrants, who spread into Germany, and perhaps crossed the Channel: And there is little doubt, from their great affection to the emblems of eternity, that their faith extended to a future state, and perhaps they had some idea of the immortality of the soul.

Under such authority, the Britons had no want of regal power; except in times of war, and public calamity, when a chieftain was elected: The sovereigns transmitted to us by historians, only figured during such conflicts and critical conjunctures.

When they became intimately connected with the Roman invaders, intermarried with them, and were both as one people, they deviated from the purity of their religion by adopting the polytheism of the Romans. The Brigantes had their peculiar gods, or perhaps conceived images expressive of the attributes of the Deity they had anciently worshipped; of which we find two memorials, Brigantia and Belatucader; and of these I shall give the opinion of learned antiquaries in my notes.* The Gadeni, who occupied the high lands north of Tyne, had their Magon,

From Gale's Manuscripts;

* A letter from Sir John Clerk to Roger Gale, Esq; concerning a Roman statue of Dea Brigantia, found at Middleby, in Annandale, in July, 1751.

Dear Sir,

I had written to you sooner, but that you told me you was to go into Yorkshire for six weeks. I hope this will find you safely returned, and the inclosed will divert you a little. Those stones are in my possession, so you may believe the draught I have sent you is exact. They were found in July last, in a camp which Mr Gordon mentions in his Itin. p. 18. I have sent my lord Pembroke a draught of them, but if he hears perhaps that any body but himself has them, he will not be pleased: In the mean while you may make what use you please of the inclosed description, that is, if you think proper you may give it either to the Secretary of the Royal or Antiquarian Society; but first I beg it of you to correct every thing you think amiss in it.

The stone No 1. has on it the representation of a human figure, in bass relief, which is dressed in a long robe, with a crown or diadem on its head, a globe in the left hand, and a spear in the right, a head or medal hangs at the breast, and below at the left foot is a shield, at the right foot a round cap, and under the feet is this inscription:

BRIGANTIAE. S. AMANDVS
ARCITECTVS. EX. IMPERIO. IMP. I.

The reading of which I take to be, *Brigantiæ sacrum*, or perhaps *sacellum*, *Amandus Arcitectus ex imperio Imperatoris*. *Amandus* is a name common in inscriptions, [see *Gruter*] and there is mention of one of this name in *Ammianus Marcellinus* much about the time of *Julian*: In the word *Arcitectus* the A is defaced, and an H is wanting, but it seems to denote the trade of *Amandus*, to wit, an architect, such being

The garments of the Brigantes were like those of the other northern Britons, rude and uncouth, and seldom consisted of more than the skins of wolves cast over their left shoulder, and girded on with leathern thongs. After navigation obtained among the Germans, and they had frequent intercourse with this island, the Britons learned to manufacture wool and the hair of goats,

common in those days, see *Not. Imp.* toward the end, *de coporibus Artificum :* The last word *Imp.* may be *Imperatoris* or probably *impensis,* but the first is most probable.

The crown or diadem may be attributed to *Julian,* for with such the Roman emperors of the lower empire used to be ornamented, wherefore *Basilius Seleuciæ Episcopus in Sermone I° de Adam,* describes their diadem in this manner, Ἰοῖς φεγγεον των λιθων αςραπτον, and many of the emperors are represented in their coins *Capitibus radiatis.* The globe and spear may likewise be attributed to him: for there is a coin of one of his predecessors, *Caracalla,* in which, according to *Vaillant,* p. 264, there is a *Figura virilis nuda stans dextra globum læva hastam gerens;* and he adds, *Nulla est certior principis effigies quam periti gubernatoris, ut refert Plato in Politico, ideo Did. Julianus in nummis globum gerit & rector orbis perhibetur* From this account of *Vaillant* as to *Didius Julianus,* one might conjecture that this is a figure of *Flavius Julianus,* and the rather because his name seems to be mentioned on the altar, No. 2. (another piece of antiquity found at the same time) and the aforesaid *Basilius* in the same place takes notice of this ornament in the hands of emperors.

Another conjecture may be, that this is a figure of *Mercury,* a favourite god of *Flavius Julianus,* to whom he used sometimes to sacrifice privately, though at that time by profession a Christian. This appears from *Ammianus Marcellinus* lib. 16, ca. 5. *Occulte Mercurio supplicabat, quem mundi velociorem sensum esse motum mentium suscitantem theologicæ prodidere doctrinæ;* and because he is mentioned on both the stones No. 2 and 3. But here there is no *petasus,* no wings, no *caduceus,* no crook, no purse, nor other genuine marks, by which *Mercury* is commonly represented.

A third conjecture may be, that this is a figure of *the country of the Brigantes,* in Britain, under the name of *Brigantia* which *Tacitus* thus describes in *Vit. Agric.* ca. 17. *Brigantum civitatem quæ numerosissima provinciæ tòtius perhibetur.* This is the more probable, because the diadem seems rather to be a *corona muralis,* as some of the Roman provinces are represented in the *Notitia Imperii,* and because the breasts are larger than they are commonly made in a male figure. Or it may be a representation of *Rome,* because of the globe, a mark of power and authority, which could not be so properly ascribed to the *civitas Brigantum.*

A very learned Gentleman, *Mr Horsley,* takes this figure to be a *Pallas,* and that the ornament hanging at her neck is the *Gorgon,* taken notice of by *Virgil* in his description of this goddess, lib. 8. v. 437.

———"*ipsamque in pectore divæ*
"*Gorgona defecto vertentem lumina collo.*"

This I confess is so probable a conjecture, that there is no way to evade it, except by supposing it may be one of those ornaments which was found about eight years ago in this very place, viz. a gold medal of *Constantine,* coined on one side, the other being plain, with a hole on the edge; by which it appeared to be a certain badge or ornament, which was usually worn on those days by way of a *bulla;* for the *imagines principum,* which were annexed to public papers, were of another kind. This medal is mentioned by *Mr Gordon* in his Itin. Sept. p. 18, and is now in the possession of the *Earl of Pembroke.*

One might suppose this figure to be one of these *Hermathenæ* mentioned in *Cicero's Epist. prim. ad Atticum. Hermathena tua valdè me delectat et posita, ita bellè est ut totum gymnasium* Πλιν αναθημα *esse videatur. Hermathena* is a goddess composed of *Mercury* and *Minerva.*

which at first with infinite toil, they beat and wrought together, forming a kind of felt, of which the most opulent wore caps and

Those stones were found among the ruins of a building which may he supposed to have been a temple. By the foundation it appears to have been 36 feet in length, and 12 feet in breadth; it stands without the walls of the Roman station, which have been *ex lapide quadrato*. Temples have been found so situated in many other places; as for instance, the *Templum Termini*, on the north side of the *Vallum Antonii Pij*. because it seems that the Romans judged their gods were sufficient to defend their own temples. The station is called at this day the Birns or Bearns, which probably comes from the word *Brigantes*. J. Clerk.

Extract of a letter from Sir John Clerk to Roger Gale, Esq.

Edinburgh, 31 Oct. 1731.

"I observe that there are such things as local gods "and goddesses, which the Romans were much ac- "quainted with in the days of Augustus, wherefore this "Brigantia may be a goddess, and the statue a figure, "designed to represent her.—This statue has been gild- "ed all over, for upon picking out some of the earth "about it, I perceived the gold leaf, and since that time "I have met with a gentleman, who told me that when "this statue was first found, a great part of it was still "gilded, but that the country people brought it almost "all off by washing it with sand and water.

J. Clark."

A Dissertation on some Antiquities found at Middleby, as published in the Supplement to Mr Gordon's Itin. Sept. the purport of which was sent in a letter to Sir John Clerk, 25th Oct. 1731 *by Roger Gale, Esq.*

"As to the figure and inscription upon it, the image seems to have been of that "sort which is called a *Signum Pantheum*, as representing the symbols of several "deities conjointly; by her habit, spear, buckler, and Gorgon's head on her breast, "she bears a great resemblance of *Pallas;* by the wings at her back, she appears to "be a *Victory;* the *pileus* at her feet denotes *liberty*, as does the *globe* in her left "hand *power* and *dominion*, and the *mural crown* on her head *defence* and *protection* "at home, or the destruction of the enemies cities. The high opinion of her exten- "sive abilities was, no doubt, the original of so many attributes conferred on this "goddess by her adorers, as well as the gilding of the statue all over, as this was, "when first dug up, and before the gold was scoured off by the ignorant people, who "first got her into their hands. The inscription tells us, she was the goddess or "nymph *Brigantia*, a local or tutelar deity of the *Brigantes*, as the *Dea Roma* was of "Rome. We have other inscriptions in honour of her, as that in Selden, in Marm. "Arundel, and another in Cambden, edit. Lond. 1695, p. 336, beginning

DEAE NYMPHAE BRIG
QUOD VOVERAT PRO
SALVTE PLAVTILLAE, &c.

"These hitherto have been understood, as if they had not expressed the proper name of the goddess, referring only to some unknown deity of the *Brigantes*, but this inscription gives us her name at length, and informs us that the others are to be read *Deæ Nymphæ Brigantiæ*, and not *Deæ Nymphæ Brigantum*, as was formerly supposed. The words *Brigantiæ signum*, or *sacellum posuit Amandus architectus ex*

cassocks, or loose gowns, bound round the waist, with a belt. Their ornaments were barbarous as the times, large and cumbrous rings of iron, chains round the waist, heavy bands of brass or copper as bracelets, on their legs and arms. When the Romans deserted this island, the Britons are described as being

imperio I. are so plain, that nothing can be added except as to the letters *imp. I.* of which I shall hereafter take notice.

"It is not in the least improbable, that when *Julian* came to be master of himself and the empire, and apostatised from the Christian religion, he would encourage the Pagan worship in this island, as well as other countries, and to that end establish a college of the *Dendrophori* or *Ligniferi*, with other superstitions restored by him, and they to oblige the Emperor to erect a statue of his darling *Mercury?* And why might not the Emperor, to please the province of the *Brigantes*, and ingratiate himself with them, give command to *Amandus*, his architect in these parts, to set up this stately image of their adored *Brigantia*, or to build a temple for her reception?—If so, the last letters under this gilded figure may without force be interpreted IMP. I. *ex imperio Imperatoris Juliana.*"

Extract of another letter from Sir J. Clerk upon the same subject. *Nov.* 1, 1731.

DEAR SIR,

I have the happiness of yours of the 25th of last month, and am glad to be confirmed in some of my conjectures, by your opinions which are so well founded. That of the statue being a goddess under the name of *Brigantia*, is perfectly right. I took notice of this in the first words of my paper, and since that time I acquainted you with my being a little better satisfied in that notion; but since your last to me, and the reasons you give, I have no manner of doubt about this figure, and therefore I chearfully give up all manner of conjectures that differ with this. Besides the inscription you mention, there is another in England to the DEAE NYMPH. BRIG. which is taken notice of in your father's book upon *Antoninus's Journey, p. 55.* published by you; and there are a vast number of inscriptions to the local gods, every where to be met with abroad: As for the lady *Brigantia*, I confess I never met with her name, for hitherto I took the *Nympha Brigantum* to be something like the inscription *St. Paul* takes notice of at *Athens,—To the unknown god.* The crown on her head is visibly now a *corona muralis*, with a kind of porch in the wall, &c.

J. CLERK.

Extract of a letter from *Mr Ward*, professor of rhetorick at Gresham college, to *Roger Gale*, Esq.

Since I was last to wait upon you, I received the inclosed from Mr Horsley which I take leave to send you, in order to beg the favour of you to inform me, whether the copy you had from *Baron Clerk* differs in any respect from the reading of this; and as some doubts have occurred to my thoughts in relation both to the inscriptions and figure, you will permit me to take this opportunity of laying them before you:

I have some suspicion about the word BRIGANTIÆ, and if there was room for any conjecture, should imagine it might some-how be designed for BRIGANT DEAE or DIVAE. In the London edit. of *Camden*, 1695, p. 896, there is an inscription that begins DEAE NYMPHÆ BRIG. which part of it *Mr Selden* has inserted in his edition of *Marm. Arundeliana*, vol. ii. p. 1477, and there is likewise in the same edit. of Camden, p. 851, another inscription DVI. CI. BRIG. and is there read *Dui civitatas Brigantum.* But if what appears now like DVI may be supposed to have been at first DIVAE, I should fancy both these inscriptions, as also this new one may possibly all refer to the same deity, without any particular name given to her. I am the more suspicious that some of the letters in the word *Brigantiæ* are obscure, because a friend of mine shewed me the other day a copy of the inscription without the figure, which he borrowed of a gentleman who lately brought it out of Scotland, and

ignorant of the art of working metals and making arms; so that their uncouth ornaments must either have been procured from foreigners, or the people had forgot the art. The intercourse with the Germans, who traded or pirated on our coasts, would introduce brass and iron instruments for war: and those settlers

told him it agreed with the first draught which the *Baron* took of them; now in that copy the word is written BRIGANT. AE. If therefore what looks like a small I be only the remaining stroke of a D, it may originally have been for *Deæ*, or DAE, for *Dive*; or if the last letter be a single E, as in the new copy DE for Deæ, for I find D. S. for *Deus* in *Nisatus*.

It is plainly TIE on the stone and therefore this is all supposition. R. G.

As to the figure, the wings, as you was pleased to observe to me, plainly shew it to be a *Victory*, and both the helmet and shield at the feet, with the mural crown and laurels on the head, as also the globe in the left hand, seem all to agree in representing the happy effects of a victory. But the spear in the right hand, with the small face at the breast, look to me like the symbols of *Pallas*, as they do to *Mr Horsley*, for there are some *gorgons* upon the breast of her images in *Montfaucon* much like this image; therefore it may be a sort of compound image comprehending the symbols of both the deities, not unlike perhaps to the *Pallas victrix* mentioned in *Gruter*, who has an inscription *Pallad victrici sacrum*, p. 1077, 6; and this image is pretended to be set up *ex imperio*, by a divine command, a thing not uncommon with the Romans, which might be fancied in a dream, and the form of it was very probably made according to the imaginary appearance of the *Dea Brigantum* at that same time, which might be that of a *Pallas victrix* with these symbols. The most natural sense of the last letters IMP. seems to be *impensa*, but that would be more certain if *s* followed for *sua* as usual.

JOHN WARD.

N. B. This letter is fully answered, as well as all the rest I received upon this occasion, by the short dissertation; and Mr Ward in a great measure came afterwards into my sentiments.—See his letter in Mr Horsley's Brit. Rom. p. 353, &c. R. G.

From the *Archaeologia* of the Society of *Antiquaries*. Vol. 1, p. 309.

GENTLEMEN,

The drawing, or rather sketch, I now lay before you, was made from a Roman altar lately dug up in the Vicar's garden, a *Burgh on the Sands* in *Cumberland*, supposed to have been the *Axelodunum* of the *Notitia*, but certainly was a Roman station, close adjoining on *Severus's* wall. It is of a coarse red stone, adorned only with plain mouldings. The inscription is complete, but the letters very rude and meanly cut, though very legible, consisting but of two words, viz. DEO BELATUCA, which certainly stands for *Belatucadro*, and I think the fifth inscription which has been discovered in Great-Britain addressed to this local deity, for such I am inclined to pronounce it with *Camden*, and *Gale*, or at least another name for *Apollo*, with *Dr Ward*, and not a cognomen of *Mars*, or another appellation of him, as has been conjectured.

The first in point of time, that has been discovered, was inscribed on an altar dug up at *Elenborough* in *Cumberland*, and seen by *Mr Camden* there, though now lost:

BELATV
CADRO
IVL. CI.
VILIS.
OPT.
V. S. L. M.

It runs as in the margin, and where the *Belatucadro* stands singly, without the adjunct *Deo*. The second we have in the additions to the *Britannia Rom.* an altar said by *Horsley* to be now lost, though it was remaining at *Netherby*, a famous station in *Cumberland*, where it was dug up not many years since, and is as follows: DEO MARTI. BELATUCADRO. RO. VR. Here, says *Mr Horsley*, it is justly remarked, that this inscription argues *Mars* and *Belatucader* to be the same deity; but it is more justly supposed by *Dr Ward*, that the conjunctive *et* between *Marti* and *Belatucadro* was omitted by the

on the shores, which the Romans found practising tillage, must have brought with them many instruments long afterwards un-

transcribers, and consequently they were two distinct deities. The third was an altar found also in this county, near *Scaleby Castle*, and thus inscribed: *Mr Horsley* in his remarks upon this inscription, declares his opinion very strongly that *Belatucader* was a local deity; though afterwards, when he came to speak of the *Netherby* altar above-mentioned, inscribed *Deo Marti Belatucadro*, forgetting what he had urged a few pages before of *Belatucader* being a local deity, he concurs with the author of the additions to *Camden*, in pronouncing *Belatucader* a *cognomen* only of the god *Mars*.

DEO. S. BE
LATVCA
ROAV. DO
VLLINVS
V. S.

Dr Ward litigates this notion very ably, and observes from *Selden* and *Vossius*, that *Belatucader* was the same as *Belenus*, or Βὲλις, whom both *Herodian* and *Capitolinus* affirm to be *Apollo*, who it appears from *Ausonius*, was worshipped by the *Druids*. *Dr Ward* adds, "I cannot but incline to think, that this deity was *Apollo*, rather than *Mars*, both from the affinity of this name with other names of *Apollo*, and because I do not find the epithet *sanctus* ever given to *Mars*, and here the inscription runs *Deo sancto Belatucadro*."

The fourth was inscribed also upon an altar found at *Whelp Castle*, a famous Roman station in *Kirkby Thore*, *Westmoreland*, and runs as in the margin.

DEO BELATVCAD
RO. LIB. VOTV-
M FECIT
IOLVS.

This last corresponds exactly with mine, being addressed simply to the god *Belatucader (Deo Belatucadro.)* Now as four out of five inscriptions, wherein *Belatucader* occurs, have no adjunct but *Deo*. *Dr Ward's* conjecture, that the *et* in the *Netherby* inscription has been omitted by the transcriber, is strongly confirmed, and consequently *Belatucader* was not a *cognomen* of *Mars*, but either a local deity worshiped by the Romanised Britons in this part of the province, or another name for *Apollo*.

CHA. CARLISLE.

From the third volume of the Archaeologia, page 101.

Something was said in the essay on the coins of *Cunobelin*, p. 15, on *Belatucadrus*, a deity either of the Romanised Britons, or of the Romans resident in Britain; and it was there asserted he was the same with *Mars*, being esteemed a local name of this deity. Since then an inscription, accompanied with a memoir, has been produced by my late most respectable friend *Bishop Lyttleton*, in which paper his Lordship, concurring with the late professor *Ward*, reckons him to be a local deity, as do most others, but with a reference to *Apollo*, who was worshipped, as they observe, by the Druids. And herein they have on their side *Sammes*, *Selden*, *Hearne*, *Montfaucon*, and the Authors of the Universal History. Notwithstanding the weight of all this authority, I see no reason to depart from my former assertion, and hope I may stand acquitted by the candid, if, in justification thereof, I here resume the further consideration of the subject.

It was said, 'the God of War seems to have had different names in various parts of the island; amongst the *Trinobantes* or *Catuvellauni*, to have been called *Camulus*; by the *Brigantes*, *Belatucadrus*; by the *Coritani*, *Braciaca*; and perhaps by others *Hesus*, or *Esus*.' Now all the five inscriptions yet discovered concerning *Belatucadrus*, were found amongst the *Brigantes*; and the point to be discussed is, whether by this barbarous title was intended a local deity, answerable and equivalent to *Apollo*, or the god *Mars*, as *Mr Baxter*, *Dr Gale*, *Mr Horsley* in one place, and myself, have maintained.

Those who contend for *Apollo*, proceed upon the etymology; the application of the word *sanctus*, which they think becomes not *Mars*; and lastly a suspicion, that one of the inscriptions which runs *Deo Marti Belatucadro* is miswritten on the stone, and was intended to be *Deo Marti et Belatucadro*.

know to the people who lived a Scythian life in the interior parts of the country, and for some ages refused to commune with them. The utmost elegance of the Brigantian fashion is described in the dress of Boadicea, and part of that might be borrowed perhaps from the Romans: Her hair was of a deep yellow, a colour of such estimation that dyes were used to heighten it. This princess wore it very long, hanging down to the bottom of her back. Her neck was adorned with a massy chain of gold, and she was habited in a tunic interwoven with various colours, over which was a robe of coarser texture, bound round her waist with a girdle, and fastened with buckles. The improvements in dress need not be traced, as the Romans gradually introduced their own fashions; and as we hear of no linen in the dress of this princess it is natural to conclude, it was then even unknown to the Brigantes.

They think, in the first place, they discover something of *Belenus*, or Βὲλις, the name of *Apollo*, in the term *Belatucadrus*, and so *Mr Hearne* interprets it of *Apollo Sagittarius*, on account, I presume, of the Greek word Βὲλος. But surely little stress can be laid on this, since both *Mr Baxter* and *Dr Gale* have with equal, perhaps greater probability, deduced this name from the British, and have shewn it may be a very proper adjunct to *Mars*. The first analyses it '*Bel at u cadr* quod est *Belus et arcem montis*;' and the second writes, 'Posteriorque pars dictionis aliquid spirat istius numinis (martis scil.) cum *Cad* prœlium, *cader* castrum, et *cadr* fortis *Britannice* sonent quæ omnia Marti satis congruunt.' In the next place, as to the application of the word *sanctus* to *Belatucadrus*. *Mars* was a natural divinity with the Britons and Romans; the founder of Rome, as was pretended, descended from him, and as the '*Rex hominum et deorum*' was with them *Jupiter*, so the God of War was stiled *Marspiter*; and if *Jupiter* had his *Flamen Dialis*, *Mars* had his *Flamen Martialis*. The Britons, those who were Romanised, we may be assured, would adopt the like peculiar veneration for him. Besides as *Mars* is so currently stiled *Deus*, where is the wonder that the term *sanctus* should be applied to him? It is apposite to every one of the Pagan deities, every object of their worship; for the Britons and Romans, no doubt, esteemed their deities holy, whatever we may think of them; and *Belatucadrus* is expressly stiled *Deus* in four of the five inscriptions. But what comes nearer to the point, no body ever doubted but *Camulus* was a name of *Mars*; and yet we have an inscription in *Gruter*, which runs *Camulo Deo sancto et fortissimo*; which shews plainly there is not the least impropriety in giving the addition of *sanctus* to *Mars* or *Belatucadrus*, in our stone. But what is still more direct to the purpose, *Mr Horsley*, in Cumberland No. xxxv. has engraved a stone as in the margin, which he reads most properly *Deo Sancto Marti, &c.*

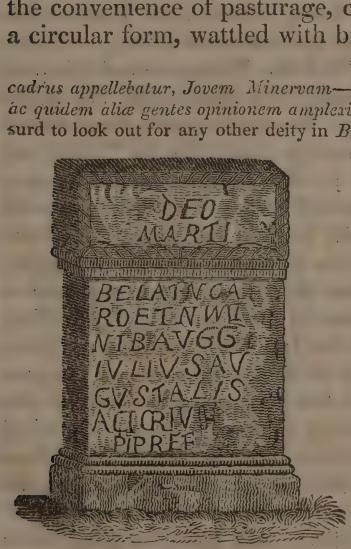
DEO SANG M
ARTI, &c.

It seems, lastly, that nothing can be effected on their side of the question, without a conjecture that a fault has been committed by the stone-cutter, and that the inscription was designed to have been *Deo Marti Belatucadro*. This indeed is cutting the knot, but is doing at the same time the most palpable violence to the authority and sanctity of the stone. There is nothing more extraordinary in *Deo Marti Belatucadro*, than in *Deo Marti Braciacae* as we have it in the *Haddon* inscription, adduced in *Camden*, and the essay on the coins of *Cunobelin*, p. 17, or *Marti Camulo* in *Gruter* and *Montfaucon*. Now upon this footing, viz. the integrity and correctness of the stone, *Mars* is expressly called *Belatucadrus*, and this is admirably confirmed by the testimony of *Richard* of *Cirencester*, p. 9, '*Hinc Apollinem, Martem, qui etiam Vitu-*

Their chief strength in the field was in their war-chariots, which they managed with great dexterity, driving them furiously on the lines of the enemy, and turning them swiftly on the beam, thereby charging and retreating with incredible rapidity. The wheels were armed with hooks, and the warriors discharged their missive weapons from the carriage. At this mode of fighting they are represented to have been so expert, as seldom to miss giving a mortal wound to the enemy. The body of the troops was armed with javelins and targets, some few but not till this time, with poignards, and others with heavy two-edged swords. They fought in a tumultuous manner, and both charged and retreated without order or discipline.

Their permanent habitations were in the forests, crowded together without order or regularity. The village, or rude assemblage of huts, was defended by a mound of loose stones, piled up in a ridge, which was strengthened by a ditch on the outside, and logs of timber heaped up in confusion, by way of barricado, formed the out-work. One of these fortifications in this county, shall hereafter be described, the rampart of which it is not easy even at this day to climb. Their summer huts being erected for the convenience of pasturage, consisted of a few poles, placed in a circular form, wattled with branches, and covered with turf.

cadrus appellebatur, Jovem Minervam—venerbantur, eandem fere de his numinibus ac quidem aliæ gentes opinionem amplexi.' Insomuch that it seems to me highly absurd to look out for any other deity in *Belatucadrus*, but the god *Mars*. That he was a local deity, peculiar in this island to the *Brigantes*, is not denied; but then we assert him to be equivalent to *Mars*, and to have been invested with the same powers as that God, and not to have had the least concern with *Apollo*, or any relation to him, as his Lordship and Professor Ward contend.



N. B. There is a sixth inscription upon an altar lately found at *Plumpton*, the ancient *Voredas* or *Patriana*, near *Penrith*, *in Cumberland*, in the posession of *Captain Dalston*, thus inscribed, DEO SANCTO BELATVVA ARAM.

This altar was also since found at *Plumpton*, and communicated to the author by a gentleman of Cumberland. It is still more curious than the former, and probably from its mixed dedication, may draw some further opinions from antiquaries.

Dedications to the god *Magon* have been recovered in the Roman stations in *Northumberland*, one in particular *Mr Horsley* says, *Camden* justly supposes to have been erected to the topical god *Magon*, worshipped by the *Cadeni* or *Gadeni*, a neighbouring people of the *Ottadini*. See a particular account of these inscriptions in the *View of Northumberland*, p. 131, &c.

So much it appears necessary to have said of our British ancestors. They who would examine more minutely into their life and manners, may resort to Tacitus, Diodorus Siculus, Cæsar, Strabo, Herodian, and others of the ancients; or to Rowland's Mona Antiqua, Stukeley, Borlase, Strutt, Dr Henry's History of Britain, and many more of the moderns, who have drawn from the same sources.

The Romans seem to have been satisfied with the subduction of the southern parts of Britain, until the reign of Vespasian, who sent Petelis Cerialis to govern the province: He found that his predecessors, particularly Trebellius, had not exerted themselves in making new conquests, but had contented themselves with maintaining what had been previously gained, and that too, by conciliating the minds of the natives to new modes of life, by which they were for a time lulled into passiveness and submission. But as these practices could contaminate only such as had an intimate intercourse with the Romans, a detestation of bondage, and the innate love of liberty, broke out in many places at a distance from the Roman garrisons, and secret cabals were held unnoticed by the incautious legions. In a life of inactivity and softness, the rigour of discipline being relaxed, the Roman soldiers gave into the most dangerous innovations on duty, and were become almost ripe for revolt. Had the Britons seized this propitious moment, they might perhaps have shaken off the yoke, and maintained their independency. For Cælius who commanded the 20th legion, entertaining a strong antipathy to Trebellius, encouraged the spirit of faction in the soldiers, well knowing their particular attachment to himself, and at length a powerful party appeared in arms against their leader; but by means of early intelligence Trebellius had time to secure himself by flight. In his absence Cælius assumed the chief command, and with a true military spirit kept the province in good order. Trebellius, however had sufficient interest at the Imperial Court to get himself restored, but soon after fell into the same state of languor and inactivity, through which a total anarchy threatened the Roman affairs in Britain. Vitellius alarmed at such a critical situation, notwithstanding the civil conflicts at Rome, with Vespasian, paid early attention to this important member of the empire, and dispatched Bolanus, to take upon him the command. Possessed of few military accomplishments, but of a placid turn of mind, with manners highly polished, his endeavours seem to have been to captivate the affections of the Britons. Such a conduct, tho' well adapted to polished states, gave too much liberty to the turbulent minds of uncultivated men, to devise

new projects, and conceal their secret machinations. At this time it was that Vitellius dispatched messengers to Britain, commanding a detachment from thence to his assistance in Rome: Had this been complied with, the Britons would have again had a favourable opportunity to shake off the yoke; but Bolanus, either from a secret attachment to Vespasian, or rather on account of the intelligence he had gained of the cabals in the interior parts of this island, returned for answer, that the turbulent and unsteady disposition of the uncultivated natives, who still possessed the heights and natural strong holds, was such, that with all the force he had, and the courtesy he exercised, he was just able to keep the province in peace; and that if any troops should be withdrawn, it would hazard the entire loss of a country won at the expence of so much time, treasure, and bloodshed.

Vespasian's success in the empire was scarce well established, when he turned his thoughts upon this island. Adventurous and of a military cast of mind, his choice of officers was suited to his own disposition: He sent Cerialis to take the command, who, in an ardour for honour, looked on the annals of his predecessors with contempt, estimating their years of ease as lost to the state, regarding with jealousy the unsubdued and savage nations in the northern parts of Britain, and determined to reap his laurels from their subjugation. Fraught with this idea, he brought the army under strict discipline, and fortified the garrisons with every military art: Despising meaner states, he made war upon the most powerful. The Brigantes were his first object. The petty states, regarding them as invincible, stood astonished at his temerity. Many bloody conflicts were the consequence, in which regular order and discipline insured success to the Romans, and the greatest part of the country soon became abandoned to the victorious legions, who marked the progress of their conquest with the most horrid devastations.

The historians who speak, of this time, do not allot to this scourge of the Brigantes above five years, for in the year 75 we find Julius Frontinus had the command, who, pursuing the maxims of his predecessor, carried his arms against the Silures.

He was succeeded by Julius Agricola, who had fought under the victorious Petilius Cerialis, and to whose valour and wise conduct, much of the success of Cerialis is attributed. Far from indulging in repose after his arrival, Tacitus says, he drew out his army even after the decline of summer, and marched against the Ordovices, who, some short time before, had put to the sword a troop of horse, they had surprised. Not intimidated by this people keeping within their fortifications, in the bosom of intri-

cate forests, and surrounded with morasses, or possessing strong holds on the lofty mountains, he pressed his troops forward, encouraging them by his intrepid example, and disgracing their fears by leading them to the charge in the most adventurous attempts. He did not long linger in the plains, making efforts to draw the enemy to open battle, but assailed their intrenchments, and by mounting the ramparts of their strongest fortresses, taught the astonished foe to believe nothing was superior to Roman valour. Such was the effect of this intrepidity, and such the emulation his example inspired, that his forces were invincible, and every place submitted to his arms. And the campaign being over, we find him as great in the closet as in the field. He inspected narrowly into the method of collecting the tribute, and corrected such abuses as he discovered whereby the Britons were oppressed, and abolished sundry grievous exactions, which had been imposed without authority. He inspected all the public offices, and put the several services, which the allied states were bound to perform, on a more liberal and equal plan. He had public days, on which he heard the complaints of all, and rewarded or punished with impartiality, temperance and moderation: Such was his political conduct, that all whom he had subdued by his sword, were held in obedience by his mild and prudent administration. Thus he employed the winter, and no sooner was summer set in, than he took the field, and by the rapid movements of his army, harassed the distressed multitudes who were still in arms against him.——When an interval of peace permitted, he invited the chiefs of each friendly state to entertainments, and laboured incessantly to inculcate a love of the sciences; insinuated a taste for Roman elegance, built them mansions and temples; introduced them to shews, magnificent sports, and the pomp of religious ceremonies, and at lengh taught them a relish for modes of living, of which till then, they could form no conception: It was thus that the ferocity of the Britons was subdued, and it soon became the fashion for young men of rank to be under the tuition of Roman preceptors, and to wear the Roman habit. And such was the good understanding that now obtained, that several states voluntarily submitted, gave hostages for their fidelity, and assented to fortreses being erected, and garrisoned with Roman soldiers. Whether the Ottadini and Gadeni were of those states that thus acceded; or whether the line of stations from the eastern to the western ocean, were those mentioned by Tacitus, is no part of our inquiry; suffice it to say, that all that district, which is the subject of the present narrative, was in the year 80 under the administration of

Agricola: and it is not improbable but from this great man's policy many of those customs which shew their remains at this day, were dispensed to the people.

This district was not insured of peace under the protection of the Roman arms; it was unhappy in its vicinity to the contentious northern tribes, who in roving bands, on every occasion, were giving disturbance to the Roman government. The fortresses raised by Agricola indeed, kept them in awe; and from the time that he was recalled from his government in the year 85, to 117, historians are silent as to British affairs; and it seems probable, that after the quiet and repose of the Brigantes under Agricola's administration, and the dreadful overthrow of the northern Britons on the Grampian hills, the miserable remains of the latter were not able to make any considerable head. But in the space of thirty years a new generation succeeded, tutored from their infancy to entertain an implacable hatred to the Roman name; and from their earliest years disciplined in acts of rapine and plunder, as knowing few other means of procuring a subsistence.

For about the time that Hadrian succeeded to the empire, these restless tribes grew more formidable and adventrous; they made their appearance in large bodies, and drawing nearer the frontiers, occasioned such an alarm, that the province solicited an immediate reinforcement from the continent. Julius Severus came over with supplies, and by his vigorous measures the banditti were soon repressed, and forced to seek for safety in their own barren and inhospitable mountains.

It was unhappy for the Brigantes, and in a less degree for the more southern parts of Britain to have been infested with these inroads of the northern tribes, who seem to have been actuated by the same principles that induced the Scandinavians, and other northern nations, to quit a barren country, and wish for a settlement in a fertile one. Nor is it to be wondered at, when, at this very day, when the whole island of Britain is united under the same government, we see that the inhabitants of the northern parts, when once they make a settlement in the southern, seldom express any desire of returning to their native country.

It would be an uninteresting narrative to follow the succession of Roman commanders, and the various incidents which marked the several periods of their authority: The irruptions of the northern nations, and the repeated ravage and destruction with which they marked their progress, would not appear sufficiently momentous to excuse to the reader, the repetition of horrid description. As it was observed before, this territory was subject to great jeopardy

from its situation, and notwithstanding those august works, the pretenturæ of Hadrian and Severus, it suffered repeated depredations. But these were not the only calamities of the Brigantes. For about the year 285, the Franks and Saxons infested the coasts with innumerable barks, employed in pillage and every outrageous act of piracy. The Britons in their intercourse with Gaul, had increased their shipping, and under the instructions of the Romans improving in the knowledge of navigation, carried on much intercourse and trade with the opposite shores; so that hostilities of this nature were a dreadful check to their growing commerce and improving manufactures. The luxuries of life increasing, foreign articles grew into high estimation, and the love of traffic advanced vigorously: The fertility of Britain afforded a staple of the utmost consequence to the opposite continent, and the mountains supplied another; for their corn, cattle and wool, various commodities were received in exchange, and by the rapid increase of their shipping, the ballance of trade seems to have been greatly in their favor.

Maximianus, who shared the Imperial dignity with Dioclesian, paid an early attention to this new grievance, and fitted out Carausius with a powerful fleet to scour the seas. Historians have imputed to his character a degree of treachery, which the future events of his life do not seem to support. He is said to have studied to enrich himself, and that he never attacked the pirates but on thir return, that he might possess their booty. This accusation appears to have arisen from envy; but yet so powerfully was it represented to Maximianus, that he issued orders to put him to death. Carausius having intelligence of the destruction decreed against him, called a council of the naval officers, who loved him for his bravery and generous spirit, and represented to them the injustice done his character, and the violence of the Emperor's sentence; on which they unanimously joined him in a revolt, and the whole fleet making immediately for Britain, where he was equally beloved by the army, he suffered himself to be proclaimed Emperor. If he had been conscious of the crime imputed to him; or if the Britons had suffered by his avarice and misconduct, it is scarce probable he would have repaired to them to proclaim his intentions of severing the province from the Imperial jurisdiction, and of becoming himself the Emperor.

Maximianus startled at this audacious act, yet prudently weighing in his mind the strength of Carausius, who had concluded a peace with the Saxons, and entered into an alliance with them, for a while put on a countenance of compliance, and confirmed

him in his government of Britain with the title of Emperor. Thus established, Carausius enjoyed his dignity for some years in peace; which time he spent in strengthening his frontiers against the northern nations, building new forts, and repairing the pretenturæ of Hadrian. At the same time he was not negligent of his naval power; having discovered the true strength of the island, he kept his ships in exercise, and encouraged trade as a nursery for his navy. Maximianus breathing vengeance against him, and having increased his navy prepared to attack Britain, under the conduct of Constantius Chlorus; but before this commander could leave the coasts of Gaul, Carausius was slain at York by Alectus, whom he had considered as his intimate friend. It is not easy to account for the motive of the latter, but as he was soon after proclaimed Carausius's successor, and as Constantius declined his purpose of invading Britain, it seems as if Alectus was the instrument of Maximianus's revenge.

From some succeeding circumstances, it is probable the provincial Britons were much against this severance from the empire, that they were not well affected either to Carausius or his successor, and that they detested the alliance with the Saxons, who had intefered with their navigation, and robbed them of the sweets of traffic with the continent. For Alectus had enjoyed his new dignities only about three years, when Constantius set out on an expedition to depose him. The events which ensued were various, but Alectus falling in the field, they terminated at length to the honour of Constantius; who, through a series of fortunate circumstances, restored peace to Britain, and reunited her to the empire, after a severance of about ten years.——The Saxons, after the defeat of Alectus, attempted every species of rapine and pillage; till being worsted in several conflicts, most of them were put to the sword, or fled the land. The seas now cleared of pirates, a free trade and safe navigation were again opened; so that the Britons considered Constantius as a guardian angel, and he was so sincerely affected towards them, that upon the resignation of Dioclesian and Maximianus, and the division of the empire between himself and Galerius, he chose to take up his residence among them; and died at York in 305, soon after his return from a Caledonian expedition.

Constantius succeeded his father, being his eldest son, by Helena, a native of Britain, a woman of inestimable virtues: He reduced and brought to obedience the northern states; and under his government, Britain appears to have enjoyed great tranquility for upwards of thirty years.

Constans the second son, having defeated his brother Constantinus who made war upon him to gain the share of dominions allotted by his father, in the beginning of the year 343 visited Britain, and repressed the insurgents in the north, who again infested the frontiers. From the many vices he was a slave to, and his exhausted revenues, he was urged to impose oppressive exactions on his provinces, and Britain groaned under a heavy tribute; but it was of no long continuance, as he was soon after deposed and slain. Nor did Magnentius, whom the soldiers chose for his successor, long enjoy his exaltation: Dreading the vengeance of Constantinus, brother to the deposed emperor, he fell upon his sword, at Lyons, and put an end to his life.

About the year 360 the flourishing state of Britain, from increased commerce, improved manufactures, and great influx of wealth, induced the northern tribes to assemble and make fresh attacks; and such was their power, that they passed the pretenturæ of Hadrian and Severus, and with a rapid course advanced into the southern parts, reaping immense booty: so that Julianus, the governor of Gaul, was under the necessity of sending over a body of forces under Lupinus; on whose approach these northern plunderers retired with precipitation. But this was a short respite, for in the year 364, immediately after Valentinian had assumed the purple, the northern tribes taking advantage of the perturbed state of the southern parts of the island, occasioned by the plundering Saxons, appeared in greater numbers than ever. For three successive years they prevailed in spite of the Roman arms, and advanced as far as London, before a stop was put to their career by Theodosius, whom Valentinian sent over on this emergency. The devastation they had committed, and the desolation with which they had marked their progress were tremendous. A bloody engagement ensued, in which they were routed with vast slaughter; the Roman general being irritated to great severities, mercy was extended to few; and the spoils with which they had enriched themselves, were restored to the miserable inhabitants whom they had plundered. He pursued his victory with unremitting vengeance, and the scattered remains of the enemy fled before him to the mountains. And having recovered the forts on the most distant frontiers, he repaired them, and restored their military establishments; the chain of stations on the pretenturæ of Hadrian and Severus he strengthened with new works, which having accomplished, he put the whole district between the lines, under military orders, as a distinct province, to which he gave the name of Valentia. Those things effected, he employed the hours of peace in re-edifying,

er constructing forts in the most needful situations, making great regulations in the army, and reforming several abuses in government; especially reducing the exactions under which the Britons were oppressed, and restoring the tribute to its original equality. His benevolence descended in the next place to private bounties; he relieved the distressed; he rebuilt their mansions, repaired their cities, added new works to their fortifications, paid the utmost attention to their ports and havens, reformed their shipping with modern improvements, put their foreign traffic on the most advantageous footing, and protected it with a powerful naval force. Such happy effects immediately succeeded his measures, that the province re-assumed the countenance of opulence and felicity. Having accomplished those great works, this guardian of Britain (from whose wisdom and excellent government more benefits were derived, than from any of his predecessors) returned to Rome, leaving an indelible affection in the hearts of the islanders, with whom the name of Theodosius was held in universal veneration.——Peace for several years succeeded those excellent establishments. Military order strictly maintained in the north, held the people in awe, and the naval force which the Provincials kept up, totally repressed the Saxon pirates.

About the year 380, the Britons had the misfortune to embark in a destructive project: Presuming to support Maximus their governor, in his pretensions to the empire, the flower of their youth were embodied in the army, with which he passed over into Gaul, determined to share in his ambitious expectations. The consequence was dreadful: His pursuits were unfortunate, and in his ruin were overwhelmed his British followers, who either falling by the sword, or becoming wanderers in a foreign country, never regained their native shores. Drained of its strength and wealth, Britain lay exposed to its watchful enemies, who in the year 393, availing themselves of the public calamity, ravaged the northern parts: whilst the Saxons distressed the southern. Theodosius, surnamed the Great, son of the excellent patron of Britain having attained the whole empire, by the death of his colleague Valentinian, sent forces to their relief, and soon restored peace.

The succeeding distraction in the Roman state brought with it new miseries to the Britons: Various were their distresses, before Constantine, who was elevated to the sceptre from a low station, wrought the destruction of this province, by enlisting under his banner all the youth he could allure with visions of glory, to participate his fortunes. The recent example of Maximus and his retainer, had no influence on the minds of the people; but they were precipitated to their ruin, and compleated the

wretchedness of their country, by an attachment to this adventurer, whose early gleams of prosperous fortune soon forsook him.

About the year 413 this island was deserted of the Romans; Victorinus their general, with all the Imperial troops being withdrawn to support Honorius, and protect the remnant of the shaken empire from the universal wreck, which was threatened by surrounding enemies. This was too favourable a moment for the restless northern tribes not to sally forth from their hiding places, and make new inroads; to oppose which Honorius being solicited for succour, was under a necessity of shewing his own weakness, by declaring it was not in his power to send them any assistance; and renouncing all claim to their allegiance, he recommended to them to shake off that supineness, which had crept in upon them under the protection of Roman arms, to reassume the courage of their ancestors, and recover their spirits from the depression which had overwhelmed them in the abjectness of vassalage. Such exhortations had no other effect than to produce dejection and despair. The few Romans who had made connections with them, and remained in Britain after the army was withdrawn, forseeing the desolation that was at hand, sold their effects, and departed the country, to seek for secure habitations under some settled government.

Great was the misery of the Britons at this crisis! Swarms of hungry and insatiable assailants pouring forth from every quarter over the abandoned land, without mercy and desperate from want! The mountains and the forests sent forth their tens of thousands, all eager for pillage, and anxious for revenge; for they regarded all within the Pretenturæ as Romans, on account of their old attachment. The people thus invaded, bereft of their counsellors and protectors, were agitated like the forest torn by tempests; inconstant in every resolution, each instable determination was revoked as soon as formed; without money, without a leader, and without virtue and strength of mind, from whence alone courage proceeds. In this deplorable state, they fell under the sword of their vindictive enemies, or fled before them in despair. Under such extreme calamity, they again dispatched messengers to Rome, when Honorius sent a legion to their relief, with whose aid the foe was once more repressed. This legion helped to repair the Pretenturæ, and taught them various arts necessary for their safety and comfort; instructing them in the general rules of architecture, fortification, and the dispositions to be practised in the army; but particularly taught them the art of making arms and other instruments of metal. These things performed, the victorious legion returned to Rome,

It was not long before the enemny appeared again, when they made a breach in the northern wall, and advanced with their usual barbarity.——The little respite the Britons had enjoyed, only served to overwhelm them in a deeper dejection of spirits: They neglected the means their own strength offered, and again applied to Honorius, who sent such forces to their relief, as gave a total overthrow to the ravagers. Satiated with slaughter, and willing to render the utmost assistance in their power to the distressed country, they proceeded to repair the wall of Severus with firm mason-work, and restored the ramparts and outworks; and in order to secure the coasts against a foreign enemy, they assisted in building several forts and strong holds in the most advantageous situations.*

These things being accomplished, the Roman General bid adieu to Britain; but before his departure, exhorted the inhabitants to use their utmost efforts for the defence of their country, "You are neither (says he) inferior in muscular strength or sta- "ture, to those with whom you have to contend, nor are your "endowments of mind of meaner quality: experience will teach "you knowledge;—victory depends on your own virtue.—It is "valour alone must sustain you; and the force of arms must be "your security. You have possessions to fight for, the reward of "which is sweeter than the fruits of rapine, and more to be de- "sired. With the advantage of such fortifications as we have left "you, you are, if you use the means, much superior to your foes."

As the distracted state of the Empire had obliged Honorius to give up all pretensions to sovereignty, some time before, so now on the recall of his forces in the year 420, the Romans took a final leave of this island, just 475 years after they had first set foot upon it: And as Christianity had long been not only openly

* It has been imagined that *Bambrough*, in Northumberland, was originally one of those forts, the base of the present tower being of a very different mode of architecture from the superstructure, and such as the Saxons or Normans did not use. It is Doric; but Mr *Grose* does not find any difficulty in admitting it might be the work of the Normans, as most of their architects learned their art at Rome, and shews an instance of the Ionic order being followed in part of their edifices at Canterbury. The reader will determine for himself in this matter; it is known that the Romans erected *nine* forts of this kind on the more southern coats of Britain: The second detatchment of Honorious restored the wall of Severus with mason-work, and perhaps might build the tower of Bambrough similar to the nine before mentioned, the better to secure the northern territories against the German rovers who infested the coast. At least the Doric order appearing here, and in no other Norman tower in the north, where several still remain, it gives a probability that the original structure at Bambrough was Roman. The Notitia Imperii, cap 52, points out the *nine* forts, but takes no notice of this, nor was it to be expected if we date this edifice in the time of Honorious. Many of the northern stations, whose remains are yet to be seen, are not to be found in the Notitia.

professed in most of the capital cities of the Empire, but had for some time been under the protection of the civil magistrate, even in the remoter provinces; it is natural to conclude it must have made some progress in this island, not only by its own intrinsic excellence, and the labours of those commissioned to preach it, but also by that free and familiar intercourse that had long subsisted between the Britons and the Roman soldiers, many of whom had fought under the banner of the cross. The reader will therefore, at this important period, expect some account of the state of *Religion* in Britain.

William of Malmsbury's accounts of Joseph of Aramathea visiting Britain, and founding the first Christian Church at Glastonbury, has been deservedly rejected as fable. Eusebius who was present at the council of Nice, and was an historian of some reputation, gives testimony of the Christian faith having gained a footing in Britain in a very early age of the church; and from him too we are told that some of the Apostles preached to the Britons, who are spoken of by Theodoret a bishop of the 5th century, as having been converted by St Paul. Clemens Romanus, a cotemporary with the apostles, says, that St Paul preached to the utmost bounds to the west; which in the common language of the times, implied the British isles.*—But this phrase may import, that the apostle sent forth bishops to convert the people; and it is presumed by some writers, that the Christian faith was promulgated, and many converts made before the defeat of Boadicea. Aristobulus a bishop ordained by St Paul, is said to have been a missionary in Britain, and to have suffered martyrdom about the year 56. Tacitus tells us, "That Pomponia Græcina, "the wife of Aulus Plautius, the legate of Claudius, was accused "of foreign superstition, and for which she was tried for her life, "she having, as is asserted, embraced the Christian faith."

It has been conjectured, that Claudia mentioned by St Paul in his second epistle to Timothy, was the British lady, celebrated by the poet Martial, by the name of Claudia Rufina, the wife of Pudeus.

Tertulian who lived in the time of Carracalla, says, "That "Christianity had made its way into Britain:" and to name no more of the ancients, Origen, who died in the year 253, says in his 6th homily, "The power of our Saviour's kingdom reached as far as Britain, which seemed to lie in another division of the world."†

To proceed to later authorities, Bede's words are,‡ "In the

* Ultimos orbis Britannos.—Horace.

† Et penitus toto divisos orbe Britannos.——Virgil.

‡ Bede's Hist. cap. 4.

" year of our Lord 156, Marcus Aurelius Verus, the 14th em-
" peror after Augustus, reigned with his brother Aurelius Com-
" modus, as his colleague, in whose time Eleutherius a godly
" man, was pope of the Roman Church, Lucius king of Britain
" wrote to him, desiring, under his direction he might be taught
" the principles of Christianity; the holy father immediately
" complied with this pious request, and the Britons then received
" the faith, and preserved the same in peace until the reign of
" Dioclesian."—What authority this venerable, but credulous historian, had for this account of Lucius, it is now impossible to say. But that there once lived a prince of this name, and most probably in this island, one may venture to presume as well from the old book of Llandaff, as from two coins mentioned by Archbishop Usher, one Silver and the other gold, the last of which was part of Sir Robert Cotton's collection, and examined by the primate, bearing the impress of the cross, and that it was the king in question, was concluded from the letters LVC.—Dr Stillingfleet was of opinion, that Lucius's kingdom was in Surry and Sussex.—Bauterne gives the print of another coin representing a man's head, and on the reverse a boar and a star, the inscription LVCIO.

It is generally believed that no opposition was made to the Christian doctrine in Britain, from the period before mentioned, to the reign of Dioclesian. This emperor jealous that the new faith would weaken his authority, published an edict in the year 303 for pulling down churches, and burning the holy scriptures, declaring, that no Christian should be capable of any office or post of honour; that they should be outlawed and deprived of the privilege of suit; and that no rank or quality should excuse them from torture.—Constantius Chlorus was then governor of Britain, a favourer of Christianity, and specially effected towards the Britons, yet under the directions of his sovereign, was obliged to put the edict in execution; but in 305 becoming emperor himself there was an end of the persecution. For a particular account of the distressed Christians in Britain during this horrid period, the reader is referred to Gildas. Among the several martyrs were St Alban, Aaron, and Julius. Constantius encouraged the British Christians to return from their places of concealment, permitted them to rebuild their churches, and renew their religious assemblies and ceremonies.

From the council of Arles it appears, that three British bishops subscribed canons of that council, viz. Eborius of York, Restitutus of London, and Adelfius of Lincoln. It also appears that the Bishop of Rome was not present, but that the decrees

were transmitted to him, with this address, "to our dear brother "the Bishop of Rome."

It does not appear that any British bishops were at the council of Nice, though at the council of Sardica in 347, they joined in full condemnation of the doctrine of Arius, on account of which the council of Nice had been summoned. It is observed by most writers on our ecclesiastical history, that at this council the first instance appears of the supreme authority of Rome, to receieve appeals.*

In the year 359 at the council of Ariminum, the British bishops were present, and though this council was charged with favouring Arianism, yet St Hillary acquits the British prelates, and says that assembling at Paris together with the Gallican bishops, they protested against the decrees of that council, and gave a confirmatory assent to those of the council at Nice, and he had also in his book, de Synodis, the year before born testimony to their orthodoxy. Three of the bishops were in such necessitous circustances, occassioned perhaps by the incursions of the northern tribes, that they were subsisted for the time at the Emperor's expence.

Though the British prelates were at this time acknowledged to be orthodox, yet Pelagianism, first countenanced in Gaul, and from thence brought into Britain, made a rapid progress, and gave no little concern to the orthodox. This, however, tells to the credit of the Britons, that they begun in this early period to think and enquire for themselves. It would be taking too great a liberty to assert, that they readily imbibed the doctrine, because Morgan, who took the name of Pelagius, being their countryman, was the founder of a sect amongst them, whose tenets were from him called Pelagianism; and which are so well known that it would be an affront to the reader, to give them in detail. And it may be further observed, that the right of private judgment so far prevailed in behalf of Pelagius's tenets, that the Gallican bishops, alarmed at this innovation on what they esteemed orthodoxy, sent over Germanus and Lupus, as missionaries to reclaim the Pelagians, but what was their success is uncertain.

* The motion made by Hosius, was to the following purport. "If any bishop "should conceive himself injured by the sentence of the neighbouring bishops, and "desire to be reheard; if you please, in respect to the memory of St. Peter, let those "bishops who have pronounced judgment, write to Julius bishop of Rome, and trans-"mit a copy of their proceedings to him, and if he thinks it proper that the cause "should be tried over again, let him assign judges for that purpose: But if he is sa-"tisfied with what is done, and declares against a reversal, let his sentence stand "good and determine the point." To this the council replied—"They were content."—*Council. Labbe Tom.* 2. p. 629, 645.

The first northern bishop named by historians is St Ninian, who fixed his residence at Whithern in Galloway; which afterwards during the Saxon heptarchy, was a member of the kingdom of Northumberland. He is said to have consecrated several bishops, and divided that country into districts and parishes.

After this brief account of the state of religion, and of the church, it may not be amiss to say a few words on the interior police of the Britons at this period.

From the reign of Claudius, the *Imperial Laws* were common in this island, and took place as far North as Brigantia.*

That emperor erected courts of justice after the Roman form. Eutropius says, "That Maldon was made a strong garrison, and "veteran troops were settled in the neighbourhood, to awe the "Britons against a revolt, and to constrain them to submit to "the Roman laws."† There was a famous court of judicature fixed at York, where the celebrated orator Æmelius Paulus Papinianus sat on the bench.

On Agricola's reducing the northern parts, it is natural to presume, he extended the legal jurisdiction, along with his conquests; and an abolition of the laws of the country would be the consequence. From whence, it is no wonder, that little or nothing is now known of the laws by which the people of this island were governed before the Roman conquest because the Druids, the British legislators, trusted all their precepts, as well civil as religious, to memory alone, as indeed, according to Spelman, did also the early Saxons. From whence it may be inferred, that all that has been wrote on many of the English laws being derived from so early a period, as by some antiquarians is contended for, is at least problematical.‡

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* Ille Britannes—Ultra noti—Litora Ponti
Et cæruleos—scuta Brigantes—dare Romuleis
Colla Catenis—jussit et ipsum—nova Romanæ
Jura securis—Tremere Occanum.—*Seneca in Lude de Morte Claud. Cæsaris.*

† Tacitus mentioning the state of the colony at Camulodunum, when Suetonius Paulinus had command, takes notice, "that there were foreign voices heard in the sessions house." *Annal. Lib.* 14.

‡ Blackstone in his commentaries says, "Our ancient lawyers (and particularly Fortescue) insist with abundance of warmth, that these customs are as old as the primitive Britons, and continued down through the several mutations of government and inhabitants to the present time unchanged and unadulterated." This may be the case, as to some, but in general, as Mr Selden in his notes observes, "this assertion must be understood with many grains of allowance; and ought only to signify, as the truth seems to be, that there never was any formal exchange of one system of laws for another; though doubtless by the intermixture of adventitious nations, the Romans, the Picts, the Saxons, the Danes, and the Normans, they must have insensibly introduced and incorporated many of their own customs with those that were before

After this digression on the state of religion and police, the reader need not be put in mind of the distressed condition of the Britons, when no longer under the protection of the Romans, and every day pillaged and plundered by northern invaders. It was under these deplorable circumstances that in 449, they applied to the Saxons for aid against their northern ravagers;* who being no strangers, as well from traffic, as from their alliance with Britain in the time of Carausius, and knowing the country to be much more fertile than their own, were rejoiced at the opportunity now offered of gaining a settlement in it. And it seems to have been not only with the consent of the Britons, but by express invitation that the Saxons were to make settlements in the Island, as it does not appear, that any other gratuity was stipulated for their services.

The number that came over at first is said to have been only 1500, and to have had the isle of Jhanet allotted them. Whatever was their number, they are said to have performed very signal services under Vortigern, whom the Britons, after the Roman mode of government, had advanced to sovereignty. The northern invaders, having desolated the country were attacked by Vortigern and his Saxon auxiliaries at Stamford, when a dreadful conflict ensued, in which the invaders were routed with great slaughter; their light arms could not bear up against the bucklers, axes and scymitars of the Saxons. By this victory, which was justly attributed to the auxiliaries and wise disposition of the array, the Britons were restored to their possessions, and many a miserable sufferer was in some measure recompensed

established; thereby in all probability improving the texture and wisdom of the whole by the accumulated wisdom of divers particular countries. Our laws, saith Lord Bacon, are mixed like our language; and as our language is so much the richer, the laws are the more compleat."

"And indeed our antiquaries and first historians do all positively assure us, that our body of laws is of this compounded nature. For they tell us, that in the time of Alfred, the local customs of the several provinces of the kingdom, were grown so various, that he found it expedient to compile his dome book or liber judicialis, for the general use of the whole kingdom. This book is said to have been extant so late as the reign of Edward IV. but is now unfortunately lost"

* "Most noble Saxons. We the wretched and distressed Britons, worn out by the constant incursions of our cruel and merciless enemies, and because we have heard of the fame of those glorious victories, which by your valour you have obtained: Therefore have we sent our humble suppliants to you, to implore your kind assistance. We have large and plentiful possessions, abounding with every necessary; these with ourselves we submit to your disposal, if you will generously lend us your succour against our inveterate foes. Long have we enjoyed the sweets of peace, under the powerful protection of the Roman arms, and now we know none second in glory to them but yourselves: Therefore to you we lift up our hands for assistance, and in return are willing to abide whatever service you shall impose upon us." *Witichindus Gest. Sax. Lib.* 1.

for his losses by the spoils which the dispersed and broken remains of the enemy left in the field.

Such was the joy of the Britons, and such their gratitude to their Saxon deliverers, that it is no wonder they should express it by the most extravagant caresses; nor that Vortigern should espouse Rowena the daughter of Hengist one of the Saxon leaders, and make her partner of his throne; nor that this prince, depending on Saxon prowess, should invite additional numbers, and allot them a territory adjoining to the isle of Thanet, the residence of the first settlers, perhaps all that is now called Kent; though it has been said by some authors, that that district was granted to the first settlers, as the stipulated price of Rowena's beauty. Be this as it may, jealousies and suspicions breaking out in a little time between the Britons and their deliverers; and the latter preferring Britain to their own country, and seeing how easily they might make themselves masters of it, now under the government of a prince, whose vices and indolence rendered him unfit to govern at all, and having no other idea of a superior, than that of a leader elected for a particular purpose, considered the royal dignity of Vortigern as equally devoid of importance and utility: It is not to be wondered at, therefore, that Hengist, being possessed of his prince's ear, should, from the frequent inroads of the northern tribes, form a very convincing and persuasive argument for the necessity of a colony of his valiant countrymen to be placed in the north, to defend the country against them on their first attacks.

The plausibility of this argument, the imbecility of Vortigern's political judgment, the abjectness of spirit, which prevailed in the British council, and the wretchedness of the people, groaning under the distresses of tyranny, together with the implicit confidence with which the prince listened to the admonitions of his specious friend, which flattered him with a safe and indolent reign; all concurred to facilitate the plan. Octa the brother of Hengist, and Ebussa his son, on receiving the summons, prepared with alacrity to collect their adherents; and in a short time passed over with a chosen band, and took possession of Northumberland in the year 454.*

* Vortigern was by this time become a contemptible partizan of the Saxons, and so immersed in vice and debauchery, that St. German, deputy of the Gallican church in Britain, reprimanded him severely for his adultery and dissolute course of life, which as he took no pains to reform, he was solemnly anathematized in a council of the British clergy, and his subjects absolved from their oath of allegiance.——*Nennius. Cambden, Hunt, &c.*

The new colony had not been settled in this district for any considerable time, before Hengist, no longer able, as he pretended, to bear the indignities put upon him and his followers, and the infringements repeatedly made on the lands granted to them on their arrival, brought his troops into the field, and began hostilities. On his thus throwing off the mask, and appearing in arms at the head of his hardy Saxons, Vortigern's councils were full of confusion and astonishment, and his subjects were seized with a panic bordering on despair. The resistance, therefore, they made, was weak and fruitless, and they fled before their conquerors, and betook themselves, to hiding-places in the most uncultivated tracts of the country.

In the mean-time the colony in Northumberland, looking upon Hengist's proceedings in Kent, as a signal for them, (as in all probability it was meant) to take up arms in the north, took the field.

The struggles, during the course of fifty years and upwards, were many, and various the events; the Britons remaining unsubdued, and the Saxons unexpelled. At length in the year 547, Ida with his twelve sons, and a large reinforcement, landed at Flambrough, where they were received by their countrymen with acclamations of joy.* In a short time they drove the Britons totally from the province of Bernicia, which, according to Camden reached *a Tesi ad Scoticum fretum.*

From the authority of the *Scala Chronica*, it appears, that after Hengist had settled in Kent, Octa and his successors assumed the title of dukes, until the Northumbrian Saxons following the example of those in Kent, elected a sovereign, who yet remained subject to the supreme authority of the Kentish king. They are named in the following order. "*Hiring* that begat "*Wodnam*, that begat *Witeglass*, of whom came *Hort* the King, "that begat *Uppa*, that begat *Heppa*, that begat *Hermeger*, that "begat *Bernack*; all which were before the noble King Ida; and "the gestes of them before Ida be little known by croniques." But this account being ill supported, it is more than probable, that Ida was the first who assumed the name of King, over the Northumbrian colony. The success and safety of it being chiefly derived from him, this no doubt influenced them to dignify him with this title, and from the power of the Penetogen,

* Illud tamen non immerito notandum, quod cum Wodeno fuerint tres filii, Weldegius, Wintlegius, Beldegius; de primo, reges Cantauritarum; de secundo, Merciorum; de tertio, Westsaxonum et Northumbrorum; præter duos quos precedens sermo nominare perget, originem traxerint.

Ex primi lib. de Malmsb. De regibus Northum. Lel. Col. v. 1. *p.* 138.

to advance him to that of King. What induced the Saxons to forsake their old constitutional mode, and give Ida this new authority, authors are silent. It is probable they brought themselves to adopt a British custom, with a view of conciliating the natives to their government.

At this period when the Saxons were in a good measure become masters, it may be necessary to give some account of the state of religion amongst the Britons.

Pelagianism still gaining ground, St German was, by earnest entreaties, prevailed on to return, and was accompanied by Severus, Bishop of Triers. According to the credulity of the times, miracles were performed, which together with the force of reasoning, put the sectaries out of countenance; and schools were instituted, in which young men of rank were taught the sacred truths, uncontaminated with heresy. Dubricius, who had the care of one of those Seminaries, was made Bishop of Llandaff, and afterwards of Caerleon. The foundation of twelve monasteries is attributed to him, whose members earned their bread by labour. He was held in such esteem, that it is said he had the honour to invest Uther, and afterwards Arthur, with the ensigns of royalty: And in his time so many excellent seminaries flourished, and disciples of such great eminence in the Church had received their education in them, that the fame of their civil and ecclesiastical learning prevailed over Europe. At this time Britain was divided into three Archbishopricks, York, London, and Caerleon: The kingdom of Northumberland was in the jurisdiction of York, and the British Church received the first form of its liturgy from German and Lupus, who introduced the order of the Gallican Church.

An instance of the authority of a clerical council, so early as the reign of Vortigern, appears from his being censured, and an anathema pronounced against him, under which his subjects were absolved from their oath of allegiance; a *second* in the consecration of St Dubricius; a *third*, for the recognition of the right of Arthur; a *fourth*, in the church of St David at Brevy, on the prevalence of Pelagianism; a *fifth* at Llandaff, on the treaty of amity and peace between Mauritius and Cynetu, two sovereigns of petty principalities in Wales; *another* at Llandaff, on the fatal dissentions between Morcaunt and Frioc, two other petty Welsh princes.

The Christian religion, or rather the Church, is represented by Gildas, at this time, as suffering a severer persecution by the Saxon Idolaters than it had suffered even under Dioclesian. But whether the barbarities complained of by this historian were

merely on account of religion, or whether other causes, as is generally the case, did not also contribute thereto, is hard to say.

From St Gregory's epistle to the Franks it appears, that the pious example of the civilized Britons greatly influenced the Saxon conversion; but, from the unhappy disposition of some of the chief Religious, the British Church refusing to give the necessary encouragement to this propitious temper of the Saxons, with-held instruction, and shut the doors against their communion. It is to be wished, that a veil could be drawn over the intolerating principles of such supercilious and self-righteous clergy, as thinking the Church in danger from Pelagianism, and yet were totally indifferent about bringing over the ignorant and idolatrous Saxons to a knowledge of the truths of Christianity, even when they shewed a disposition to embrace them.

Gregory seeing their reprehensible conduct, with a degree of contempt, though not without pity, would not suffer the propitious hour to elapse, in which he judged the conversion of the Saxons depended, and therefore, in 182, sent over Augustine, a man of rigid virtue and powerful oratory, to attempt the important work.*

After this account of the state of Britain in general, which it is presumed will not be thought an unnecessary introduction to that of the kingdom of Northumberland in particular, as leading the reader to that part of it which is to be the subject of this narrative; it is first to be observed, that this kingdom extended from the Humber northward to Lothian, and comprehended the greatest part of Yorkshire, Lancashire, Cumberland, Westmorland, Durham, and what is now called the county of Northumberland.† But the kingdom of Ida, which was called Bernicia, as far as can be collected from the obscurity which involves this distant part of history, comprehended only a narrow portion of the territory which afterwards formed the kingdom of Northumberland.

Historians assert, that Ida having assumed the Sceptre, but what his title was, or whether got by election or usurpation, authors give no account, he fixed his residence at ‡ Bebbanburgh, where he erected a fortress and mansion. By many writers he is said to be the original founder; but it is probable he found some ancient works in this eligible situation, which

* Sea Chron. lib. 2. Lel. Col. v. ii. p. 514.

† Leland's Itin. v. vi. p. 60.—Symeon Dunelm—Malmsbury, &c.

‡ Hen. Huntington.—Leland's Col. v. iii. p. 385, &c.

induced him to fix his particular attention to it; and that he repaired and enlarged the outworks, removed a wooden pallisadoe, with which the whole had been defended, and by a complete circumvallation of mason-work, rendered the fortress as strong as possible. * So far all authorities agree, that this was his chief place of residence. He held his Crown independent of that of Kent, or any other power. His reign was full of trouble and warfare; for, besides the fatigue incident to an infant state and unsettled form of government, the Britons were frequently issuing from their places of concealment, and harassing the frontiers of his kingdom; yet with such military ardour did the Saxons defend, and with such judgment did Ida command, that, during a reign of twelve years, the enemy gained no considerable advantage. He had issue by his Queen six sons, Adda, Ethelric, Theodoric, Edric, Osmer, and Theofredum; and, by his Concubines, six; Alric, Ogga, Ecca, Osbald, Segora, and Segothæ, all of whom had come into Britain along with him. † On his demise he was succeeded by

ADDA,

in 559, who reigned seven years; during which period, Ælla, one of the Chieftains who had come over with Ida, and was said to have been his nephew, conducted a body of forces against the province of ‡ Deira, and, having expelled the inhabitants, assumed sovereignty, and settled there with his retainers.—Whether he marched these forces at the command or request of his Sovereign, or he persuaded them to share in his ambitious views, does not appear: Certain however it is, that he assumed a separate sovereignty. How far § Deira originally extended, is difficult to ascertain.

* Camden. † Symeon Dunelm. ‡ Lel. Col. v. i. p. 99.

§ That this was part of the kingdom of the *Northumbrians*, is asserted by the generality of our historians, who agree with Bede in the division of it into the two several kingdoms of *Deiri* and *Bernicii*: Deꝑa ꝑice and Beoꝑnica ꝑice, or, as the Saxon Chronicle has it, Deaꝑne ꝑice, p. 29. 23. and 32. 7.; and Bæꝑnice, p. 30, 2; and Beoꝑnice, 44. 26. But they are not so well agreed as to the limits of the two lesser kingdoms. Richard Prior of Hexham, fixes the limits of *Deira* between the rivers *Humber* and *Tees*; but those of *Bernicia*, between the *Tees* and *Twede*. He affirms, that some of the Northumbrian Kings reigned only over the *Deiri*, as *Ælla*; others over the *Bernicii* only, as *Adda*, the son of *Ælla*; Some over both; as *Edwine* son of the same *Ælla*, and *St Oswald* and *Oswius*, from whose times the kingdom remained entirely under one. And this division Mr Somner seems to approve of in his Glos. voce Deꝑa mæʒꝑe, in complaisance to Camden in *Ottadinis*. But the learned Antiquary seems to have overlooked what he had before delivered in *Brigantia*, where he assigns to *Deira* all that lies between *Tine* and *Humber*; and to *Bernicia*, all from *Tine* to the *Frith*

GLAPPA,

a kinsman of Ida, succeeded to the Throne of Bernicia in 567; but, during the five years he reigned, no great event is recorded; only it may be observed, that, as several of Ida's sons were living at the time of his ascending the Throne, the Saxons paid no regard to hereditary right.

THEODWALD

ascended the Throne in the year 572, and reigned but one year. Of his transactions historians are silent. He was succeeded by

FRETHULF,

a second brother to Glappa, who assumed the Sceptre in the year 573, and reigned seven years. Of the transactions of the northern Saxons in this period, we have no information. On his demise,

THEODORIC,

the third son of Ida, ascended the Throne, and reigned seven years. Here we have a second example of the elective power being exercised, and one more striking than the former, as therein appears a preference of Theodoric to his elder brother Ethelric, then living. Of the transactions of this reign, historians are also silent.

of Edenburgh. To this division I am rather inclined to agree, in reference to the etymology of the word, which our Antiquaries will have derived from Deor, signifying wild beasts; and that this division of the kingdom took its name from the woods which gave them shelter. These woods, in all probability, extended from the *Humber* to the *Derwent*, which empties itself into the *Tine*, taking in Deorpalo and Deorham in its way, which all of them bear some affinity with the name; the latter of which lies beyond the *Tees*, betwixt it and the *Derwent*: and there is a description of it agreeable enough to our conjecture given in that elegant Saxon poem, which was first printed in Symeon Dunelm. X. Script. p. 76.; and again in the last page at the end of the glossary; but since much more correctly in Dr. Hickes's learned and most complete Thesaurus, with a Latin translation, and notes, of the Lord Bishop of Carlisle. And now if I have given the *Deiri* too large an extent of dominion, the character of the learned and judicious editor of the Saxon Chronicle, who carries it farther will stand between me and censure. He agrees in the derivation of the word from Deor, *Fera:* but to the kingdom of *Deira* he allots all that lies between *Humber* and *Twede*, and includes, by name, *Yorkshire*, *Lancashire*, *Westmoreland*, *Cumberland*, *Northumberland*, and *Bishopric of Durham.* To the Beornicar he assigns all between *Twede* and the *Frith of Edenburgh.* But, after all, it will not be impossible to reconcile all these divisions, upon the foot of that account which the Prior of Hexham, afore cited, gives us of the different extent of dominion that different Kings were possessed of, according to their several rights or claims of succession, and the events of war.——*Notes to Elstob's Saxon Homily, page* 13.

ÆLLA,

who had reigned in the province of Deira with great reputation for twenty-seven years, on the death of Theodoric was elected to the Sovereignty of Bernicia. The two provinces thus united, obtained the name of the kingdom of Northumberland. As he maintained the Crown of Deira by his valour and prudent conduct, so the united provinces, by his wise government, enjoyed an uninterrupted peace. His reign over Northumberland commenced in the year 587, and continued only three years. He had issue Edwine, who some time after ascended the Throne of his father, and a daughter, Acca, who was Ethelfrith's Queen.* After the death of Ælla,

ETHELRIC,

the second son of Ida, taking advantage of the childhood of Edwine, succeeded to the Sovereignty of the united provinces in the year 589. He had spent the greatest part of his life in retirement, and was far advanced in years. It is probable he enjoyed uninterrupted peace for five years, as we have no account of any particular transactions of his reign. He left issue two sons, Ethelfrith, who succeeded to the Crown, and Tedbald, who in his brother's reign was slain, as after mentioned.

ETHELFRITH,

from his disposition named the fierce, or wild, succeeded his father in the year 593 †. The better to conciliate Edwine, the son of Ælla, to his possession of the united Crowns, he espoused his sister Acca, and his reign commenced with great joy and magnificence ‡. He was engaged in a ten-years' war with the Britons, in which he enlarged his territorities, and acquired great honour. His arms were esteemed irresistible, and many voluntarily submitted themselves to his government. It is said, that he extended his conquests farther, and reaped more laurels than any of his predecessors §.

As his fame and dominions increased, his northern neighbours regarded him with a jealous eye; and thinking themselves in some danger, seized the first pretext for drawing their forces into the field, and being led by Ægthan, or Adan, their King, approached the frontiers, in order to invade his territories. Ethelfrith, assembling his forces, opposed them at Dægstane, or D'Egleston, || where, after a bloody conflict, victory declared for

* Mat. Paris. † Lel. Col. v. i. p. 135.; and v. ii. p. 512.
‡ Scala Chron. lib. 2. § Bede, lib. 1. Hen. Hunting lib. 2.
|| Hollingshed. Chron.—Hen. Hunt.—Bede.—We have no place so applicable to the name and description as *Eggleston*, on the banks of the Tees; and the monu-

the Saxons; and the Scots sustained so great a loss, as rendered them incapable of renewing the war. The joy of victory was greatly diminished by the death of the king's brother, Tedbald, an heroic youth, who had a considerable command, and fell in the field.

The Scots remaining quiet for four years, Ethelfrith in 607, carried his arms against the Britons, who had begun to harrass the borders of his dominions; and falling upon them near Caerleon, overthrew them with great slaughter. It is reported, that whilst the armies prepared to engage, the king observing, at some distance, an assembly of Religious putting up prayers, as he conceived, for the Britons, and esteeming them as essential enemies as those who bore arms, stained his hands with the infamous slaughter of 1200 naked and defenceless monks of the monastery of Bangor, fifty only of the whole assembly escaping by flight.*

His conquests made him so much the terror of the neighbouring states, that he continued some time unmolested in his extended dominions. During this interval of peace, looking upon the growing virtues of Edwine his queen's brother, with a jealous eye, and observing his encreasing popularity with great anxiety, he at length meditated his death, as the only means of securing to himself the province of Deira, to which Edwine had a natural claim. The young prince discovering a change in his conduct, or having some intimation of his own danger, took refuge in the court of Redwald, King of the East Angles.

Ethelfrith, disappointed in his project, burned with resentment against Redwald, and immediatly sent messengers to demand the fugitive, as a traitor, and on refusal to denounce war against him. Redwald, considering the strength of his enemy, would have delivered up the prince; but the entreaties of his queen, who represented, in the most forcible language, the inviolable laws of hospitality, and the disgrace such an action would bring upon him, prevailed with him, not only to continue the protection he had granted, but also to levy an army, and instantly march against Northumberland, to chastise the haughty monarch for his insolent menaces.

The measures were pursued with such expedition, that Redwald was on the frontiers before the embassadors were returned. Alarmed at his sudden danger, Ethelfrith raised such forces as he could for the time, and advanced to stop the progress of the enemy. The armies joined battle on the banks of the Idle,

ments there, noticed in the progress of this work, encourage the conjecture, coupled with the circumstance, that the invaders made their progress from the West.

* Bede. Sax. Chron.

near Nottingham, where Ethelfrith was slain, and his forces routed. This victory, though fortunate for Edwine, as it opened his succession to the Throne, was unhappy to Redwald, who lost his son Regen here, in the engagement.

The sons of Ethelfrith hearing of this great overthrow, and the death of their father, were conveyed by their mother Acca into Scotland, in order to secure them from the wrath of Edwine, leaving him no competitor for the Crown.

Ethlefrith reigned twenty-four years, leaving issue by his queen seven sons, Eanfred, Oswald, Oswine, Olsac, Oswid, Offa, and Ossa; also two daughters, Oswitha and Ebba, who were afterwards canonized: And also, by a concubine, a son named Osweo.*

It doth not appear that the Northumbrians had the light of the gospel before the reign of Edwine. The Saxons had brought along with them their own gods, and few of the old British rites, except the Bel-tein, were retained. The modes of worship introduced by the Romans were forgotten, and their temples, and altars levelled in the dust; and, till the Saxon mythology prevailed, it is much to be doubted whether there was any settled religion within the limits of this miserable district. Whether the stupendous monument on Yevering-Bell† was appropriated to Saxon or British worship is not easily determined. Its vicinity to Yevering, once a royal mansion of the Saxon monarchs, prompts an idea, that it was a holy place of that people.

EDWINE,

supported by the arms of Redwald, entered the capital of Northumberland in 617, and assumed the diadem, having then attained the age of twenty-three years. He possessed a noble and intrepid spirit, and conducted his military opperations with such skill and fortitude, that in a short time he not only relieved the frontiers of his kingdom from the ravages and incursions of the neighbouring nations, but extended his dominions even as far as the Orcades and Mevanian islands, now called the Hebridees.‡

His wife, Cwenburga, the daughter of Ceorl, King of Mercia, did not live to see him mount the Throne. About eight years after his accession, the eminent virtues and uncommon beauty of Ethelburga, daughter of the King of Kent, reaching his ear, he sent ambassadors to require her in marriage. She had embraced the Christian faith, but he retaining his national prejudices and religious tenets, it was necessary that conditions shoul. be

* Matth. Westm. Speed. † See View nf Northumberland, v.i. p. 246.
‡ Bede's Eccl. Hist. lib. 11. Malms. lib. 1.

stipulated for the free exercise of her religion, and that she should have her ministers to officiate therein. These preliminaries being settled, she was sent into Northumberland, under the spiritual tuition of Paulinus, ordained Bishop by Justus on that occasion, and the marriage was celebrated in 625.*

At this time Cwichelm, in conjunction with his father, Cynegils, governed the kingdom of Wessex; a Prince of a dark and jealous mind, who observing the growing power and exalted glory of Edwine with envy, and conceiving he might disturb the lesser kingdoms of the Heptarchy, of which Wessex was then one of the weakest, determined to take him off by secret assassination. For this purpose he employed one Eumer, of whom Historians have said nothing previous to this plot. Edwine's Court was then held on the banks of Derwent, where the assassin approached him in the character of ambassador, and delivering a feigned address, the specious purport of which engaged the King's attention, the villain drew a poisoned dagger from under his cloak, and attempted to plunge it in Edwine's bosom. Lilla, the King's faithful servant, perceiving his danger, instantly rushed between them, and received the fatal stab, which was given with such violence, that the weapon passed through his body, and wounded the King. The desperate assasin, surrounded by the guards, was cut to pieces, but not before he had slain another of the attendants in his own defence.†

The wound was at first alarming, which gave an opportunity to Paulinus to exhort him to renounce the errors of his religion; and the pious example, and tender love of Ethelburga, contributed not a little to dispose his mind to the arguments for his conversion; and at length, by a solemn vow, he promised, "That if the deity which the Christians worshipped, and whom they called the God of justice, would enable him to punish the violater of the laws of nature, nations, and kings, who unprovoked, had sent forth the murderer against him, he would from thenceforth confess his divinity, and worship no other Gods but him." As a a pledge of his vow, he delivered into the hands of Paulinus his infant daughter Eanfled to be baptised, who was brought into the world the evening of the same day in which the horrid attempt had been made upon his life.‡

As soon as health permitted, he arrayed his troops, and marched against the West-Saxons, whom he overthrew in the first battle, and put to the sword all those who had devised his death by

* Wm. Malms. lib. 1. Ieland's Col. v. i. p. 138. † Bede.

‡ Bede, lib. I. She was the first Christian baptised in Northumberland.—Lel. Col. v. i. p. 335.

Eumer the assassin. Historians do not mention, whether he made any political advantages to his kingdom by this war, or sat down satisfied with the issue of his revenge

In the following year, 627, during the festival of Easter, he embraced the Christian faith, and was baptised by Paulinus, and many of his subjects followed his example. He was greatly moved to his conversion, Bede saith, by a vision, which he relates to the following purport. Whilst Edwine remained under Redwald's protection, being apprised that an attempt was made to induce Redwald to deliver him up to his enemies, as he sat meditating in the night, at the door of his apartment, he was accosted by a stranger, who told him he knew the cause of his grief, gave him much consolation, and assured him Redwald's intention was diverted by the virtuous remonstrances of his Queen. He also predicted to him the prosperity of his future life, and gave him some wise and pious admonitions, Edwine promised the stranger, that, if the things he foretold came to pass, he would certainly follow his doctrines, and obey his precepts; on which the grave monitor desired him to bear in memory, the time, place, and conversation; and, laying his hand on his head, blessed him, and instantly disappeared. Edwine, for some time after his victorious expedition against the West Saxons, delayed to perform his vow; but being accustomed to employ some hours in solitude and meditation, was retired to his chamber, when Paulinus, esteeming it a propitious hour for his holy purpose, entered the royal apartment, and without apology, boldly approached the King, and laid his right hand upon his head, and blessed him, asking whether he remembered that sign and token? Edwine, as if roused by the hand of some supernatural Power, and trembling at once with religious horror and conviction of mind, prepared to kneel at the pious Bishop's feet; but he restraining him, thus addressed himself to his Sovereign: "Behold Sir, by the benevolence of our merciful and omnipotent God, you have escaped the wrath of your enemies; by his mighty hand, and irresistible will, you have ascended the Throne of this kingdom; remember therefore your solemn vow; forthwith let the same be accomplished; embrace his saving health; let your spirit live in his faith and holy laws, who hath brought about these mighty things upon the earth, and hath exalted you to majesty and honour: By his divine power, you shall not only be preserved from everlasting death, under the precepts I teach, but shall be made a partaker of his ineffable beatitude, and everlasting glory in the regions of heaven."

In the succeeding chapter, he goes on to relate Edwine's calling together the States, his sages and counsellors, to deliberate on

the changes of religion, and to examine into the principles of the new doctrine. On this occasion Coyfi, the High Priest of the Heathen Temple, boldly impeached the impotence of the Divinities they served, and one of the chief nobles professed, that in the principles of their religion, there was no hope of futurity. After piously attending to the arguments of Paulinus, supported by the proofs of a divine revelation, he publicly renounced the errors of the Saxon religion, and, in his zeal for Christianity, proposed to have their temples and altars destroyed. Edwine, disturbed with a superstition, founded on the prejudices of early education, stood confounded at the proposition, and demanded which among them had the impious courage to dare the wrath of divinities they so long had worshipped, to try their strength, or prove their impotence? The Priest being armed, and mounted on a horse, advanced towards the temple. The multitude, struck with horror at his temerity waited the event with trembling. He entered their holy place, and throwing his spear against the altars, defied the whole assembly. The universal silence was awful; but the impotent gods avenged not. The Priest then putting up a thanksgiving aloud, to that Omnipotent whom he had so lately learned to address, commanded his attendants to break down the idols and theirs, and set fire to the temple.* This public spectacle opened the eyes of the vulgar; and as there was no priest craft to amuse, or art to delude, the whole was laid in ashes, without any great shock to them; for if prejudices in favour of Saxon idolatry were not hereby quite rooted out, they would at least be considerably abated.

Bede says, the scite of this temple, in his days, was to be seen not far from Eboracum, at the head of the Derwent, then called Gotmundingaham. But the old historian has been misinformed, for it is well known to have been at Godmanham, near Market-Weighton, (the antient Delgovitia).†

* It is to be observed, that proper covered temples appear not to have been erected for the service of those Pagan Idols which the Saxons here worshipped: Polluit et destruxit eas, quas ipse sacraverat, ædes, says the Latin Bede.

† The place where the Pagan temple stood, at Godmundingham, seems to be an exact semicircle, (whose diameter is 260 yards,) being distinguished into a great many parts or portions, whereof some seem to be more peculiarly designed for the worship of the idols, the rest to be offices or appendices for the reception of such persons as came there to worship; and others again appear probably to have been the place where the victims themselves were slain and offered, and where all their necessary utensils were deposited. Subservient to this latter purpose, is a place in length 150 yards, in breadth twelve or fourteen, and about 8 yards deep, except on the east, where, from this bottom, there rises a hill at least eight or nine fathoms perpendicular, whence one easily surveys the whole area, and which seems to have been more particularly set apart for the worship of the chief idol: for this hill (as it was said) was artificial,

Such was the excellence of Edwine's government, that acts of injustice were seldom heard of among his subjects; foreign enemies forbore to provoke his arms, and an uninterrupted peace blessed his people for several years. Internal police was then his chief object; the roads were made safe and commodious, and the accomodation of the public was so minutely attended to, that every spring by the way side was provided with a dish for the refreshment of travellers. He frequently perambulated the provinces, of his kingdom, putting salutary laws in execution; so that no injured person was long without redress.*

At this time Penda, King of the Mercians†, ambitious to extend his dominions, entered into a league with Cedwell, or as Camden calls him, Caswallan, King of Cumberland, a tributary prince, who ruled over one of the districts subdued by Edwine, and, under promise of joining him with all his forces, induced the Cumbrian to take up arms. This restless people were easily provoked to an insurrection, and with a mad enthusiasm to cry out for liberty, though withdrawing their allegiance from Edwine could only tend to expose them to a subjugation more wretched, and a vassalage more severe. Cedwell calling upon all those whom the name of freedom could animate or delude, took the field, and began with cruelty and devastation to mark his progress in the frontier districts. Edwine prepared to oppose him, whilst Penda, in consequenc of his compact, joined his forces with the Britons, and at a place called Hethfield, waited the approach of the Northumbrians to give them battle. The conflict was dreadful. Edwine and his eldest son Osfrid with many men of note, were slain. The

and probably made of the rubbish which was dug out from below. This hollow and deep place seems also to have been portioned into two squares, a small space being only left between them. Besides this hill, there seems to be but two other places more immediately set apart for worship, each whereof may be about 60 yards or upwards one way, and about twelve or fourteen the other. But what I call offices are very numerous over the whole plot, though of very different sizes and forms. As to the form, they tend mostly to a round or oval, and some few square, but the size is vastly different, some being only six, seven, or eight yards in circumference; others, again, twelve, fiteen, or twenty. I was informed, that good quantities of stone had been dug out in many places; and another place was shewn me, where several rows of ashlers had been found, a course of sandy metal lying between every row. This heretofore famed place goes now by the name of *the Howes*; and close adjoining thereto, on the south, is a pretty large piece of ground, of ten or twelve acres, now a corn field, called Chapel Garthends. The foundations of a wall are to be seen on the northside, where it unites the two extremities of the simicircles; but all the simicircular part seems to have been secured by a mount of earth.—*Gibson's Edit. Camden*, 1772, *Yorkshire*, *p.* 104.

* Bede.

† The kingdom of Mercia comprehended Gloucestershire. Herefordshire, Cheshire, Staffordshire, Worcestershire, Oxfordshire, Shropshire, Warwickshire, Derbyshire, Leicestershire, Buckinghamshire, Northamptonshire, Nottinghamshire, Lincolnshire, Bedfordshire, Rutlandshire, Huntingdonshire, and part of Hertfordshire.

fall of their commanders striking the troops with a panic, they took to flight, and the pursuit was prosecuted with such determined cruelty, that Egfrid, another of Edwine's sons, having been taken prisoner, was butchered in cold blood, to gratify the insatiable revenge of the savage Britons.

Ethelburga, her son Ulkfren, with Paulinus, under the care of Bassus, a faithful chieftain, fled by sea to the kingdom of Kent, then governed by Eadbald, the Queen's brother. She founded a monastery at Liming, on the happy shore where she found refuge, and there spent the remainder of her life in acts of piety, and was buried*. Paulinus was made Bishop of Rochester, in which See he ended his days.

Edwine was slain in the month of October 633, in the forty-eighth year of his age, having reigned sixteen years, and was buried in St Peter's church at Strenshall, afterwards called Whitby. By Cwenburga, his first wife, he had issue two sons, Osfrid, and Egfrid, who both fell in the fatal battle of Hethfield. By Ethelburga he had two sons, and two daughters; Ethelm, the eldest, died soon after his baptism, and was buried at Eboracum. Ulkfren was sent by his mother to the Court of France, where he died. Enfleda, the first born, whose nativity was singularly marked by the day of Edwine's death, became the queen of Oswy King of Northumberland. Ethelrida, the youngest daughter, died in her infancy, and was buried with her brother Ethelm.

The conquerors entered Northumberland with fire and sword, where they committed the most inhuman ravages. Wearied at length with desolating the country, they retired loaden with spoils, which afforded an opportunity to Eanfrid, the eldest son of Ethelfrith, and Osric, son of Elfric, and uncle of Edwine, to leave their retreat in Scotland, and appear again in Northumberland.

EANFRID

assumed the reigns of government in the year 633, in the province of Bernicia and

OSRIC

in the province of Deira: And thus the kingdom of Northumberland became divided, as before, by each rightful heir seizing his own province.†

Whilst Eanfrid and Osric resided among the Scots, they became Christians; but no sooner were they settled in their respective dominions, than, renouncing their new religion, they persecuted the Christians, and consecrated altars to the old idols of the Saxons ‡.

* Lel. Col. v. i. fo 10.—Scala Chron. lib. 2. † Lel. Col. v. iv. p. 113.
‡ Scala Chronica.

Cedwell, not able to hold the great territories he had thus subdued, or rather ravaged, and entertaining an inviolable hatred to the Saxon name, levied a great army, and again entered the province of Deira. Some authors cover his actions with the delusive countenance of religious zeal, and insinuate, that his wrath against those Princes was kindled by their apostacy; but the actions themselves prove the principles by which he was actuated.

Osric, not able to oppose the torrent, was, slain; his city was sacked, and subjects were plundered.* The victorious tyrant over-ran Deira, not like a generous warrior, who, amidst his conquests, remembers mercy, but like a ruthless savage, whose sole delight was blood and carnage. Such is the character drawn by a modern writer of this British hero.

Eanfrid, terrified at the horrid massacre in the adjoining province, and unable, in the feeble state of his own, to raise forces sufficient to stop the progress of the invaders, who came upon him like a whirlwind, determined to approach Cedwell with submission, and taking only twelve soldiers with him, he entered the British camp unarmed, and bent himself at the tyrant's feet. Unmoved with the humiliation of a King, uninfluenced by justice, or clemency, and against the common faith of nations, even among savages, Cedwell satiated himself in the blood of him who kneeled for his protection†. And his progress afterwards was marked with every barbarity his inflamed vengeance could dictate. The whole country smoked in ashes, and the inhabitants, who escaped his sword, would have continued to fly before him, till the whole district was depopulated, had not

OSWALD

the son of Ethelfrith, and brother of Eanfrid, left his retirement to head the distracted Northumbrians. The attempt was arduous, and few could be brought to enlist under a banner displayed by the hands of despair; for so powerful was the British tyrant, and so tremendous his cruelties, that it was esteemed an act of temerity to take up arms against him.

Oswald possessed much knowledge of the art of war, which he had studied as a science; but the Northumbrians were so dispirit-

* We are greatly at a loss to know where the royal city of Deira was.

† Bede says, the Britons had no opinion of the Christianity of the Saxons, and refused to commune with them in the offices of religion any more than with professed Heathens; so that though Cedwell was a Christian, he had no mercy to the Saxons, and spared neither age nor sex.

ed, he could only gather together a small body of faithful adherents, and with these, in a fortified camp, he prepared to oppose the invader. Cedwell, flushed with success, and proud of victory, approached Oswald with contempt. The latter, astonished at the number of his enemies, and comparing them with the little band on whose prowess he hitherto placed his hope, was now conscious, that he must not depend on man alone, without addressing himself to a superior Power for aid, and, turning in his mind the justice of his cause, he cast up his eyes towards Heaven, and renouncing the worship of gods who had not exerted themselves in defence of his Northumbrians, erected* a cross in the front of his army, and reverently bending to the earth, called upon the name of Christ, beseeching his mediation with the Father of all, in whose hand alone is the event of battle, that he would establish justice on the face of the earth. As if inspired, he arose, and called aloud to his soldiers (as Bede writes) "Let us kneel down, and beseech the Almighty, the living and true God, of his mercy to defend us, against this proud and cruel enemy.†" After this prayer, he put his little army in battle array, when warmed with that energy which proceeds from devotion, and prompts intrepid actions. Cedwell advanced, arrogantly confident in his numbers, and insolent from his victories, assuring himself of vengeance on his opposer. And to inspire his people with still greater fortitude, he led on the attack in person, marched to the intrenchments, and mounted the rampart, when a fatal shaft pierced his bosom, and laid him in the dust. His followers, dismayed at his fall, halted, and being perplexed by inconsistent commands, fell into confusion, and began to retire. Oswald took immediate advantage of the event, and rushing upon them with a furious onset, put them to flight, when a dreadful carnage ensued, and the number of the slain was so great, that it seemed more than this little band could effect,

* This he set up as his standard in the field wherein he encamped, sustaining the same with his own hands, until the soldiers with earth filled up the ground it was fixed in; and, from the victory ensuing, the cross was long after much frequented for the miracles said to be wrought by it.—*Sammes Britannia.*

† Bede says, "No sign do we find, of the Christian faith, no church, no altar, through the whole kingdom of Northumberland, to have been erected, before this noble leader and conductor of an army, directed thereto by faithful devotion, did raise the ensign of the Cross, when he was preparing to fight a savage and bloody enemy. When Oswald perceived in his battle the divine aid, which he had so earnestly implored, he became a professed Christian. The place of victory was called Heavenfield§.—Perhaps St. Oswald's near Hexham.

§ Heavenfield, or Evenfield, where the water may be turned either way; as several old boundaries are called Even-water-deal. Oswaldus Enfridi frater, et Accha, sorore regis jam dicti Edwini progenitus, devicto Ceadwallæ exercitu apud Denisburnam, non solum fratris Enfridi successor fuit in reg. Berniciorum, sed quasi Edwino avunculo suo ab intestato succedens, per novem annos utramque in unam Northanhumbr. redigens, summa cum æquitate rexit.—Lel. Col. v. iv. p. 113.

to obtain so complete a victory, without the interposition of Heaven.*

On this happy event, the Northumbrians with acclamations raised Oswald to the throne in the year 634. He conciliated the jealousy which had subsisted between the two provinces of Deira and Bernicia, and made them equally happy under his wise government; employing himself in reforming the manners of his subjects, and labouring their conversion to Christianity, The glory of his arms was not more eminent than the fame of his wisdom; his lenity and benevolence, were even proverbial; the neighbouring nations regarded him with reverence, and his people obeyed him with love.

In this reign the See of Lindisfarne was founded, in which the opulence and honours of the principality of Durham had their origin.

* In Camden we have the following distich:

Quis fuit Alcydes? quis Cæsar Julius? aut quis
Magnus Alexander? Alcydes se superasse
Fertur. Alexander mundum, sed Julius hostem;
Se simul Oswaldus, et mundum vicit et hostem.

INTRODUCTION.

DURHAM is a maritime county, and takes its name from the city of Durham; commonly called the bishoprick, and sometimes the county palatine.

The description given by Camden is to the following effect:* "It lies north of Yorkshire, and is shaped like a triangle,† the "apex or top whereof lies to the west, being formed there by "the meeting of the north boundary and the head of the river "Tees: The southern side is wholly bounded by the course of "the Tees: The nothern side, from about the point of the angle, "forms a line to the river Derwent, and then is bounded by "that river" (till it receives the rivulet called Chopwell or Milkburn,) "and so full north to the river Tyne: The basis of this "triangle, to the east, is formed by the shore of the German "ocean."

Modern geographers have laid down the abuttals so variously, that in regard to the north-west point, we can in general only say the river Tees totally separates the county of Durham from Westmoreland and Yorkshire, and a very narrow point of Cumberland intervenes between that river and the confines of Northumberland, a space in which the proprietors are not well ascertained of their real boundaries. On the other sides, Camden's description is accurate.

The parts of this county, extended into the upper point or apex of the triangle, Camden describes‡ "to consist of naked "lands, the woods few, the hills bald, but not destitute of veins "of iron ore, whilst the vallies produce plenty of grass, the "English Appenines intersecting the country at this angle." At the distance of two hundred years, we cannot wonder at this picture of our county or the ignorance of naturalists in regard to its produce and riches: The contrast we shall draw, it is

* Camden's Brit. (Gibson's edition, 1772) vol. ii. p. 127.

† Geographers deale with countries as astronomers with their asterismes, and fancy them into shapes; as *Italy* into a man's legge, *Spayne* into an Oxhyde, and the forme of this bishopric into a Δ, or an equilateral triangle. It lyeth in the bosome of the Germaine Neptune, and embraced betweene the armes of the two christall rivers *Teese* and *Derwent*.——Legend of St Cuthbert.

‡ Camd. Brit. ibid.

hoped, will prove interesting. Our author then proceeds to describe the eastern side or basis of the triangle, where he observes, "as well as to the south, the soil by tillage is rendered "fertile, and the country enamelled with meadows, cornfields, "and pastures, and graced with many towns, the bowels of the "earth abounding in coal." Such is the imperfect account given by this great writer.

The Magna Britannia describes this county to be thirty-five miles in length, thirty in breadth, and about one hundred and seven in circumference: Another account says, it is thirty-nine miles long, and thirty-five broad; containing nine hundred and fifty-eight square miles, and six hundred and ten thousand acres of land; and comprehending one city, eleven other market towns, fifty-two parishes, and twenty-one chapels; two hundred and twenty-three villages, nineteen thousand nine hundred and eighty-five houses, and ninety-seven thousand inhabitants;* sixteen rivers, twenty-one parks, and several castles.† These are

* In 1801 the number of houses in the county as returned by virtue of the population act, was as under—viz.

Inhabited Houses	———	27,198
Uninhabited	———	1,173
	Total	28,371

The number of inhabitants of the county of Durham, as returned in 1801, into the clerk of the peace's office, pursuant to the population act of that year, (which returns he caused to be printed,) amounted to 161,922. But in the book printed by Government for the Kingdom, the number was stated to be 160,361,—both are exclusive of the Seamen at Sunderland, 1,249, and Keelmen at the same 322. So that according to his return the number of souls of the county of Durham will be as under, viz.

Parish returns	———	161,922
Seaman in registered ships	———	1,249
Keelmen	———	322
Total, exclusive of Army and Navy.		163,493

And though he was complimented by Government for the regularity of his return, and this county was ranked among the only 14 counties reckoned complete, some townships however were deficient.

According to the census taken in 1821, the Total Number of Persons in the County of Durham being 207,673, and the Number of Persons whose Ages were returned being 158,199, it thence appears, that the Ages of one-fourth part of the Persons therein enumerated have not been obtained in compliance with that effect.

† *Market Towns in Durhamshire,*

Duneholm—Akeland—Wickingham—the Quickke Market of Darlington, standing betwixt Teese and Were—Stoketon upon Tese—Wulsingham upon Were, almost in the middle way betwixt Stanhope and Akeland—Hertilpole.¶

Castelles in Durhamshire.

Duneholm—Akeland—§Prudo upon Tyne—Stoketon upon Tese—Barnard Castle—Lomeley Castel, not far from Chestre.

¶ Leland's information was erroneous, several other markets being established before his time.
§ Prudhoe Castle is in Northumberland, &c.

the only modern accounts of the county worth attention, except the geographical table given in the notes.*

The county is divided into four wards, called Easington ward, Stockton ward, Darlington ward and Chester ward. We know no reason why the several districts took those denominations, or derived their names from places of inferior consequence and distinction.

The air of the county is generally healthy, though cold on the hills; and according to some authors, that of the western parts sharper than that of the east. It is well watered by rivers and brooks, the chief of which are the Tees and Were,† both abounding with fish, and particularly with trout and salmon.

Abbais and Priories in Durhamshire.

Dunelholme upon Were River—Finkelo upon Were, a celle of xiij monkes belonging to Durham—Weremouth—Garaw.——There was a priori not farre from Darington, as I remember, aboute Teis River.‖

The Limites of Durhamshire.

Tese River—Tine River, on til he receive Derwent Water.———Leland's Itin. vol viii.

* It hath four wards instead of hundreds; one city (Durham); and eight market towns, viz. Auckland, Stockton, Sunderland, Darlington, Hartlepool, Stainthorp Barnardcastle, and Wolsingham; eighty parishes or ecclesiastical livings, of which thirty are rectories, twenty-one vicarages, and twenty-eight chapels.——Mag. Brit.

Geographical Table.——Durham. Acres 610, 000—Circumference 107 miles—1 borough—9 market towns—118 parishes—15,984 houses—79, 920 inhabitants—4 members to parliament—2 proportions paid to the land-tax—4 wards—Tyne, Wear, and Teese, chief rivers—Coal, iron, and lead, principal produce—Northern circuit—264 miles N. W. Durham from London.

† Hollinshed's description of these two rivers, and the several streams that join them, is so accurate, that we cannot omit the same.

The THESE, a river that beareth and feedeth an excellent salmon, riseth in the Black Lowes, above two miles flat west of the southerlie head of Were called *Burdop*, and south of the head of West Alen, and thence runneth through Tildale forest, and taking in the *Langdon-water* from northwest, it runneth to Dirtpit chappel, to Newbiggin, and so to Middleton, receiving by west of each of these a rill comming from by north (of which the last is called *Hude*) and likewise the *Lune* afterward by southwest, that riseth at three several places, whereof the first is in the borders of Westmerland and there called *Arnegill-becke*, the second more southerlie named *Lunebecke*, and the third by south at Bandor Skarth-hill, and meeting all above Arnegill-house, they run togither in one bottome to Lathekirke-bridge, and then into the These. Having therefore met with these, it runneth to Mickleton, and there taking in the *Skirkwith-water*, it goeth to Romaldkirke, crossing there also one rill and the Bander-brooke by southwest, and then going to Morewood-hag and Morewood-parke, till it come to Bernard's castell. Here also it receiveth the *Thursgill-water* coming east of Rere-crosse in Yorkshire from the Spittle in Stanmore by Crag almost south, west, and being united with the These, it goeth by Stratford, Eglesdon, Rokesbie Thorpe, Wickliffe, Ovington, Winston, and betwene Barfurth and Gainfurth meeteth with another rill, that commeth from Langelie forest, betwene Rabie castell and Standorpe, of whose name I have no knowledge. But to proceed, the These being past Ramfurth, runneth betwene Persore and Cliffe, and in the waie to Croftsbridge

‖ Neasham priory or abbey.

The diocese contains the whole county, and all Northumberland, except eight churches and chapels, being Hexham peculiar, which belongs to York: It has also one parish, viz. Alston-Moor in Cumberland, and claims Craike in the county of York to be under its jurisdiction.

It is divided into two archdeaconries, viz DURHAM, which has the deanries of Chester, Darlington, Easington, and Stockton; and NORTHUMBERLAND, which compriseth Alnwick, Bamborough, Corbridge, Morpeth, and Newcastle deanries.*

taketh in the *Skerne*, a pretie water, which riseth above Trimdon, and goeth by Fishburne, Bradburie, Preston, Braforton, Skirmingham, the Burdons, Haughton and Darlington, and there finallie meeting with the *Cocke-becke* or *Dare*, it falleth in the These beneath Stapleton before it come at Croftsbridge, and (as it should seeme) is the same which Leland calleth Gretteie or Grettie. From thence it runneth to Sockbure, nether Dunsleie, Middleton-row, Newsham, Yarne (crossing a brooke from, Levenbridge) called *Levin*, or *Leuinus* in Latin, whose crinkling course is notable, and the streame of some called *Thorpe*. After this the These hasteth on to Barwic, Preston, Thorne abbeie, and Arsham, which standeth on the southeast side of the river almost betwene the falles of two waters, whereof one descendeth from West Hartburne, by Long Newton, Elton, and Stockton; the other from Stillington or Shillington, by Whitton, Thorpe, Blackeston, Billingham, and Norton. From Arsham finallie it goeth to Bellasis, Middleburg, and so into the sea.

Ptolomie writing of the WERE, calleth it VEDRA. It riseth of three heads in Kelloppeslaw-hill, whereof the most southerlie is called *Burdop*, the middlemost *Wallop*, and the northerliest *Kellop*, which uniting themselves about St Johns chappell, or a little by west thereof, their confluence runneth through Stanhope-parke, by east Yate, and so to Frosterlie. But yer it come there, it receiveth three rilles from the north in Weredale, whereof one cometh in by Stanhope, another west of Woodcroft-hall, and the third at Frosterlie aforementioned; and a little beneath these, a fourth on the southside, which descendeth from southwest by Bolliop, Bishop-sleie, Millhouses, and Landew. Being therefore united all with the Were, this stream goeth on to Wolsingham, there taking in the *Wascropburne*, beside another at Bradelie, the third at Harpleie hall (and these on the northside) and the fourth, betweene Witton and Witton castell, called *Bedburne*, comming by Hamsterleie, whereby this river doth now wax verie great. Going therefore from hence, it hasteth to Bishop's Akeland and beneath it receiveth the *Garondlesse*, which riseth six miles by west of Akeland castell, and running south thereof, passeth by West-Akeland, St Helen's Akeland, St Andrews Akeland, and bishops Akeland, and then into the Were, which goeth to Newfield and Willington. Neere unto this place also, and somewhat beneath Sunderland, the Were crosseth one brooke from southwest by Het, Cockseie, Cornefurth, Tursdale, and Croxdale, and two other from by northwest in one botome, whereof the first commeth from above Ash, by Langleie. The other called *Coue*, from above Kinchleieby Newbiggin, Lanchester, North Langley, and through Beareparke, and so meeting beneath Kelleie or Hedleie with the other, they fall both as one into the Were, betwene South Sunderland and Burnall. From hence our river goeth on to Howghwell, Shirkeleie, Old Duresme, and there taking in the *Pidding-brooke* by northeast, it goeth to Duresme, Finkeleie, Harbarhouse, Lumleie castell, (where it meeteth with the *Pilis*, whose heads are united betwene Pelton and Whitwell, and after called Hedleie) and from thence to Lampton, Harraton, the Beddikes, Ufferton, Hiltonparke, Bishops Weremouth, and so into the sea betwene North Sunderland and North Weremouth towne, which now is called Monke Weremouth.

* Willis's Cath. vol. i. p. 221.

THE HISTORY AND ANTIQUITIES OF THE COUNTY PALATINE OF DURHAM.

OSWALD having openly professed the Christian religion, was anxious to bring his subjects to follow his example. For this purpose he sent messengers to Donald the Fourth, King of Scotland, under whose auspices he had lived during his retirement, requesting some holy missionaries might take the charge of their conversion. The first person sent on this pious office, Bede says, was of an austere dispositon, and his name, as given by Hector Boethius, was Corman.

After preaching a short time, and meeting with little reverence, he returned home disgusted. When called upon by the Synod to give an account of his mission, he attributed his ill-success to the sluggish capacities of the English, their fierce and impatient nature, together with obstinate prejudices, which could not be reclaimed. This report not being satisfactory, Aidan, a pious presbyter, brought up in the monastery of Hii*, is said to have spoken freely against Corman, conceiving he had treated the people with too great severity, contrary to the Apostle's instruction, not having first dispensed the milk of a mild and placid doctrine, until they had gained a due sense of the salutary joys of the word of God, enabling them to advance more mysterious and sublime principles, the duties of greater self-denial, and a full knowledge of the divine ordinances. He proposed that a person of milder disposition should be sent, who, with lenient speech and gentle manners, might insinuate himself into their affections. The whole assembly approved what Aidan advanced, and unanimously de-

* Wharton's Ang. Sacra—Selden's Preface to the Decem Scriptores.

termined that he was worthy of the appointment, and should accordingly be dispatched to this unconverted nation; for, as Bede says,* he was proved to possess that jewel, discretion, the handmaid of all virtues. It may be thought strange, perhaps, that Oswald should send into Scotland for a missionary to instruct his subjects in the Christian religion, and that he did not rather recall Paulinus, who had been driven from the See of York. But it must be considered, that Oswald had been instructed in religion by the Scotch, and had imbibed an aversion for the missionaries sent from Rome, on account of the diversity of sentiments between the Scotch and Romanists, in relation to the celebration of Easter, and the tonsure of priests.

Oswald received this second missionary with great veneration. Authors disagree about the seminary from whence he came, some alledging Melros, others Hii, and Ridpath, I'colm-kill: But it seems well settled, that he was a brother of the house of Hii or Jona, one of the islands called Hebrides; and it is generally allowed that he came to Oswald's court in the year 634,† where, by his moderation and persuasive eloquence, his temperance and moral life, he converted the nobles and chiefs of this powerful people, and laid the foundation of the See of Lindisfarne.

Aidan, having reaped such happy fruits of his labours, had the whole dominions of Oswald before him, wherein to chuse a place of residence. He requested the island of Lindisfarne, which afterwards obtained the name of Holy-Island.‡ So earnestly did

* Bede, lib. 3. c. 5.—Hollinshed—Spotswood.

† Lel. Col. v. i. p. 411.—Symeon Dunelm, p. 16.

‡ By Aidan's fixing the Episcopal See in Holy-Island, we may conclude he had no great regard for Pope Gregory's regulation; for this Pope, in his directions to Augustine the Monk, ordered the principal See for the northern parts to be settled at York. 'Tis plain, therefore, Aidan did not think himself under the Pope's jurisdiction. Had this been the practice or belief of the Scottish Christians, Aidan would never have altered the seat of ecclesiastical jurisdiction, and removed it from York to Holy-Island.—*Collier's Eccl. Hist. p.* 87.

Rex Oswaldus anno reg. sui 2. Domini autem 635 dedit Aidano Scotto Sedem Episcop. in Lindisfarne. Aidanus ibidem construxit monasterium.—*Lel. Col. v.* 1. *p.* 327.

Ut in veteribus libr. legitur, terminus Lindisfarnen. possessionis est a flu. Tueda usque ad Warnamuthe: et inde superius usque ad illum locum ubi hæc aqua Warned oritur juxta montem Hibberdune: et ab illo monte usque ad flu. qui vocatur Brunk usque ad illum locum ubi oritur. Et illa terra ultra Tuedam ab illo loco ubi oritur flu. Edræ ab aquilone usque ad illum locum ubi cadit in flu. Twedæ: et tota terra quæ jacet inter flu. Edræ et alterum flu. qui vocatur Leder versus occidentem: et tota terra quæ jacet ab orient. parte istius aquæ quæ vocatur Leder usque ad illum locum ubi cadit in flu. Twedæ versus austrum: et tota terra quæ pertinet ad monaster. S. Baltheri quod vocatur Tivingham a Lambarmore usque at Estemuth.

Fundatæ sunt primo in ins. Lindisfarn. Sedes Episc. simul et monachorum habitatio, anno D. 635. qui est adventus Angl. in Britann. 188 adventus S. August. 39. regni Oswaldi 2°. Ex hac Eccl. omnes Eccl. & Monaster. Bernicionum sumpserunt originem.—*Lel. Col. v.* 1. *p.* 366.

Oswald interest himself in the conversion of his subjects, that he frequently was Aidan's interpreter, whose dialect was little understood by most of his Saxon audience, but of which the King had acquired a competent knowledge during his residence in the Court of Donald.*

Multitudes were baptised; and from the fame of Aidan's success, many of his brethren left Scotland to assist in the holy work. They travelled into the wildest districts, amongst the most uncultivated inhabitants, and the Christian religion in a very short time prevailed throughout all Oswald's dominions.

The situation of Lindisfarne was perhaps chosen by Aidan as similar in some degree to the place of his former residence; but it seems more probable, it was esteemed a secure retreat, and least liable to be disturbed by the ferocious states who yet remained unconverted, and were perpetually stirring up feuds against the Christians: And as Bebbanburgh was the place of royal residence, and chief fortress of the Northumbrian kingdom, he could not have chosen a more proper situation: For Lindisfarne was under its immediate protection; and besides being on the north, and secured by the point of land where Berwick now stands, and where there is reason to believe a fortress had been erected in a very early age, is was severed twice a-day from the main land by the influx of the tide. It was also rendered solemn by the awful prospect of the ocean, and was calculated for meditation and retirement, being thus periodically shut out from the intercourse of the continental inhabitants: There was ground enough for exercise, and the growth of vegetables, and it had a daily supply of fish from the bounteous hand of Providence.†

After a regular Church was established, the audiences became numerous; so that it was found necessary, for the more general benefit of the people, to form places of worship in different districts. In the beginning of Aidan's time, it seems the public offices were performed in the open air; but the inconveniences that must have followed, would induce them to build some places of shelter for religious assemblies: But when this was done, is not related by any of the ancient writers. Bede's account, is; "That the virtuous Bishop Aidan remained in a village belong-

* Bede, lib. 3. c. 3.—Symeon Dunelm, &c.

† By Bede it is described, "Qui locus accedente ac recedente reumate bis quotidie instar insulæ maris circumluitur undis, bis renudato littore contiguus terræ redditur. Lindis dicitur flumen, quod in mare excurrit, duorum pedum latitudinem habens, quando Ledon fuerit, id est, minor æstus, et videri potest. Quando vero malina fuerit, id est, major æstus maris, tum nequit Lindis videri. Non tanta est Lindisfarne, sed est posita in mare, magnis exturbata fluctibus diebus et noctibus.—*Lel. Col. v. ii. p.* 173.

"ing to the King, not far from the city of Bebba; for having there "a church and a chamber, he used frequently to tarry in that "place, taking from thence journies into the country to preach "the gospel." It may be either implied from hence, that he had a congregation, or a sacred erection: But the following seems expressly to clear this up; for he says, "Being sick, they erected "him a lodge, fastening it firmly to the church-wall, on the west "side, where resting against a post, which adjoined to the out-side "of the church to strengthen it, he died." His body was carried from thence to Holy-Island, and buried in the cemetery of the Monastery.* Hence it appears, that before Aidan's death, several churches were erected, and one in Lindisfarne.

Aidan's fellow labourers formed themselves into a religious society, and adopted monastic rules. Their example prevailing in other parts, churches and monasteries were founded, and many Saxons became members thereof.†

Aidan's character was excellent, all authors agreeing that he lived what he preached; and Bede, in particular, writes of him as follows: "Aidan was consecrated Bishop when Segenius was "Abbot of the monastery of Hii; in which, among other rules "for the conduct of life, he left the religious an excellent exam- "ple of continence and self-denial. His doctrines were recom- "mended to the world by his conduct, which strictly corresponded "with his precepts. He desired not the things of the earth, nor "was he enamoured of the vanities of life: He had sincere plea- "sure in distributing in alms what the wealthy gave; for he laid "not up treasures elsewhere than in Heaven. He went about "teaching the gospel daily, as well in the adjacent country as in "the city; and never but on urgent occasions rode on horseback, "preferring the more humble progress on foot. Whomsoever "he met, rich or poor, he taught the gospel, by every argument "his rhetoric and zeal suggested, working the conversion of some, "and strengthening the faith of others, exhorting all, as well by "precept as example, to works of charity, piety, and virtue. His "religious life so far surpassed the negligence and lukewarm de- "votion of our times, that all those who accompanied him were "the professed or lay brethren, who gave up their whole time to "contemplation: Reading and expounding the scripture, or re-

* Aidanus peregit in Episcop. annos 17. Obiit in villa regia non longe a Beborbia anno D. 651. Corpus Aidani primo sepultum in cæmiterio Lindisfarn. postea in novam Ecclesiam Petri ibidem constructam translata sunt ossa Aidani, atque ad dexteram altaris sita. Quorum partem Colmannus in Scotiam rediens secum tulit.—*Lel. Col. v. i. p.* 367.

† This way of living might probably be recommended to them by the Scottish missionaries, who were most of them monks, Aidan himself being of that order.—*Collier's Eccl. Hist.—Symeon Dunelm, &c.*

"hearsing the psalter, was the daily exercise of him and his "brethren, to what place soever they came. Whenever he was "invited to the King's banquet, he took with him two or three "clerks, and making a short repast, quickly retired, either "to read with his brethren, or go to prayer. From his ex- "ample of abstinence, the religious of both sexes accustomed "themselves to fast on Wednesdays and Fridays until the hour "of three in the afternoon. Whenever the nobles transgressed "the rules of the gospel, neither the fear of displeasure, or hope "of reward, checked the severity of his reproof. He made no "presents to those who visited him, however exalted their rank, "but offered them merely necessary refreshment. He applied "the rich gifts which he received to pious uses, relieving the "poor, or ransoming those who had been wrongfully sold, and "were in wretched captivity,* several of whom, after redemption, "he took for pupils, bringing them up in the school of virtue and "pious erudition, and thence exalting them to the high dignity "of priesthood."†

To return to Oswald. It hath been said that his power was such, that though he had no rule over the other kingdoms of the heptarchy, and none of them were tributary to him, yet he dictated to all the other Sovereigns.

The fate of Cedwell was no example to Penda, the Mercian King, whose envy against Oswald urged him to rise in arms against him. He levied an army, and marched against Northumberland. Oswald arrayed his troops, and met him at Maserfield in Shropshire, on the 5th day of August 642, where after a long and bloody conflict, victory declared for the Mercians, and Oswald was slain. The inhuman victor caused the royal remains, after being horribly mangled, to be suspended on a pole, like those of an infamous malefactor, which occasioned the name of Maserfield to be changed to that of Oswald's-Tree, now Oswestry.‡

Much doubt remains where he was interred, some asserting that his head was deposited at Lindisfarne, and right hand and arm were placed in a silver shrine in the church of Bebbanburgh, from whence they were translated to Lindisfarne, and finally rested with St Cuthbert at Durham. Bede says,‖ That his bones, at the command of Osfrida, Penda's queen, and Oswine's daughter, were carefully removed from the field of battle, and interred in the monastery of Bradney in Lincolnshire, from whence they

* Here we have evidence of slaves being held by the inhabitants of this land, as early at least as the days of Bede, and from these were the villains of after ages.

† Spottiswood—Hollinshed—Collier, &c.

‡ Lel. Col. v. ii. p. 366.—Vol. i. p. 14.—Vol. ii. p. 527.—Scala Chronica, lib. ii.

‖ Bede, lib. iii. c. 11.

were afterwards carried to Gloucester, and laid on the north side of the choir of the cathedral there. And he adds, "That it was "reported he ended his life in prayer; that, being encompassed "by the enemy, and exposed to the weapons of the multitude, in- "stant death impending, his last breath expired in a petition to "God for the souls of those soldiers who bled in the field. Os- "wine, his successor, a year after, came with an army, and took "away his remains, burying the head in Holy-Island, and the "right hand and arm in the city of Bebba." Bede has mentioned several miracles wrought at his tomb, for which the reader, if he pleases, may apply to the holy monk's own account; instead of which, in this place, he will perhaps be better pleased with the following character, in the words of the same historian.* "Notwithstanding his majesty and power, he was meek to all, "gracious to the poor, and to pilgrims and strangers bountiful. "On the feast of Easter, Aidan sitting at the king's table, a silver "dish was served up, when a servant entering, whose office it was "to dispence his sovereign's charity, informed him many poor "people sat in the court. He commanded the dish to be re- "moved, the victuals it contained to be distributed, and after- "wards the dish itself to be broken in pieces, and given amongst "them; at sight of which, the bishop, who sat by the king, in a "religious rhapsody, took him by the right hand, and cried aloud, "'I pray God this hand may never be consumed!' which thing "came to pass; for after he was slain in battle, his hands and "arms were severed from the body, and now to this time contin- "ue uncorrupted, laid up in a silver shrine in St. Peter's church, "where, with due honour, they are worshipped of all men in the "king's city, whose name is derived of Bebba, once queen."†

Oswald having reigned nine years, fell in the 38th year of his age. By his wife Kineburg, the daughter of Cynegils, first Christian king of the West Saxons, whom he married in the third year of his reign, he had Ethelwald, his only child.

OSWY,

the son of Ethelfrith, the fierce, or wild, by a concubine, mounted the throne of Bernicia in the year 642; Whilst Oswine, son of Osric, the last king of Deira, seized the sceptre of that province.

OSWINE,

of a mild disposition, governed his subjects with lenity; and, contenting himself with his own dominions, sought only to preserve

* Bede. lib. iii. c. 6.

† Simeon Dunelm. p. 21.—Lel. Col. v. i. p. 10.

peace to his subjects. Oswy, of a turbulent and ambitious temper, eager for extent of dominion, and impatient of a rival in the empire, sought frequent occasions to disturb Oswine, and at length an open rupture took place.

It appears from several ancient writers, that Aidan was much interested in Oswine's affairs; in one part he is called the king's familiar. The division of the kingdom being the cause of dissention between the sovereigns, he laboured much to reconcile them; and from the grief sustained on Oswine's death, he survived him but twelve days. Though authors are silent as to the fact, yet the circumstances imply, that Aidan had heen busy in secular affairs, and influenced Oswine's accession to the crown of Deira. Oswy was brother to Aidan's great patron, the founder of the church of Lindisfarne, as king of Bernicia, where the episcopal see was established. Notwithstanding this, the pious bishop was an adherent to Oswine; but whence the attachment arose, more than from Oswine's piety, is not said, Oswy not being accused of irreligion. Broken-hearted, however, as it seems, for having led Oswine into schemes of fatal ambition, he died of grief on the last day of August, in the 17th year of his episcopacy.

Both kings took the field: Oswy's passion for arms had induced him to train and discipline his troops, even in times of profound peace; whilst Oswine studied to cultivate the arts which enrich a people, and neglected those necessary to make him respectable in the field. Oswy's army was more numerous and better arrayed than that of Oswine; to whom this being made known, willing to spare the effusion of blood, he declined coming to an engagement; and when his friends urged him to try the event of battle, he secretly withdrew, and concealed himself in the house of Humwald, in hopes he might abide in safety, and elude the search of his enemy. Humwald had been raised in his dignities by the bounty of Oswine; Gillingham,* the place of his retreat, had been the gift of that sovereign; and therefore from principles of gratitude, he was bound to protect him.

The army of Deira, forsaken by their prince, disbanded themselves, and fled, leaving the country open, to be possessed by Oswy. In hope of reward, the earl betrayed his trust, and delivered up the fugitive, who was immediately put to death. This tragical event happened on the third day of September, A. D. 651, in the ninth year of Oswine's reign.

* Gillingham, or Guethlin, where this tragical event happened, is presumed to be the hamlet or town of Gilling in Yorkshire, within two miles of Richmond. It is thus supported: Ancient authors, speaking of William the Conqueror's gift of Richmondshire to Alan, say, Alan built a strong fort near to his town of Gillingham. And Bede says, Wilfares-downe, where the armies met, was distant from Cataracton about ten miles to the west.—Lib. iii. c. 14.

Bede, speaking of Oswine, says, "He was a marvellous, devout, and godly man; was of a beautiful and open countenance, of superior stature, gentle and courteous in his language, of a civil and amiable deportment; to the great, honourable; and liberal to the lower ranks of men. By his happy countenance, enlarged heart, and most princely demeanor, he was beloved of all. His fame was so great in other courts, that the nobility of various realms were in his suite, ambitiously striving to be distinguished by him. Amidst his virtues, his humility and religious lowliness, were excellent."

As to the disputes about the celebration of Easter, in the time of this prelate, and of his patron, Oswald, it is observed by Collier, "That Bebe, though an adherent to the Roman ritual, did not think the pope a necessary centre of communion, or that the rest of Christendom were indispensibly obliged to be subject to his authority. Had this been his opinion, he would never have raised Oswald and Aidan to so great a distinction of saintship." But Collier's partiality is obvious; for he could not have overlooked what Bede really says; "Thus much I have written of this holy man and his works, not approving his wrong observation of Easter, according to the Jewish computation, but detesting that in him utterly, as I have expressly declared in my book, De Temporibus. But, as it behoveth a a true historiographer, I have related such things of him, and his works, as may profit the reader. That he was a man of great charity, and of a placid spirit; of strict continency and humility; superior to wrath and covetousness, and a detester of pride and vain glory. I also praise his great industry, both in observing and teaching the laws of God; his diligence in study his faithful watchings, his holy dignity in rebuking the haughty and proud, and mild demeanor in comforting the lowly and weak of heart; together with his unbounded liberality in relieving the poor. In short, I commend him, as one that laboured all his days (for such he was reported to me by one who knew him intimately), to accomplish all that is written in the holy scriptures, the precepts of Prophets and Apostles.—These things, in that holy prelate, I do love and praise, as undoubtedly being acceptable to Almighty God. But that he observed not Easter in its due season, either through ignorance, or under the prejudices of his country, if he knew better, this I neither commend or allow. Yet in this very point I admit, that, in his manner of observing Easter, he believed, reverenced, and taught no other doctrine than we do, the redemption of mankind by the passion, resurrection, and ascension of Christ Jesus, the mediator between God and man."

It would be treating the reader with no respectful deference to repeat Bede's account of two mirracles attributed to Aidan; the first on Penda's attempt to set fire to Bebbanburgh, of the wind changing on the prayer of Aidan; the latter on calming a storm, by pouring some sanctified oil into the sea, by his advice, on forseeing a storm might happen. Of the former a shrewed guess might be made by a resident on Lindisfarne, on observing the almost regular breeze, with the influx of the tide, the time when Aidan is said to have offered up his prayer. Of the latter, it is not unfair to infer, that the good man had read Pliny.

It is said Cuthbert, a shepherd near Melross, had a holy vision, and beheld the spirit of Aidan, ascending to heaven; which made such an impression on his mind, that he determined to lead a religious life, and soon after gained admittance into that monastery.

During Aidan's time, Lindisfarne was the supreme see in the north, York being vacant.

When Oswy had removed the obstacle to an union of the provinces, he took possession of Deira; but his government was not established more than two years, when Ethelwald the son of Oswald, appeared, having attained the age of sixteen years, and heading the malcontents in Deira, declared himself a competitor for that crown. The province was glad to embrace an opportunity of shaking off the yoke of Oswy, whom they looked upon with detestation, on account of the innocent blood of Oswine, whose memory they revered. Oswy, with repeated efforts, was not able to dispossess him, every struggle, terminating in Ethelwald's favour.

Whilst these revolutions happened in the state, on Aidan's death a successor to the see of Lindisfarne was brought from the same Scottish monastery; and it is observable, that all the monasteries in Scotland were subject to Jona, as being the first foundation; which unravils the confusion of ancient authors as to the school in which the first bishops of Lindisfarne were educated.

FINAN.*

who succeeded to the see, soon after his arrival began to build a church, according to Bede, suitable for a bishop's residence, and formed, after the Scottish model, of timber and thatched with reeds. Theodore, archbishop of Canterbury, some time afterwards, dedicated it to St. Peter.†

* Symeon Dunelm. p. 27. † Lel. Col. v. ii. p. 367.

It appears that he was warm in the dispute which for some time agitated the Church, touching the observation of Easter, and remained inflexible to the arguments of Ronan, a Scotsman, who had received his education in Italy, and was sent to divert his opinion. *Bede says, he was a hasty-tempered man, and, by such disputation, was exasperated, and made a professed adversary to the Roman usage.

That controversy, he adds, brought many to the true faith, but inflamed others to a farther search and examination of the question. They increased after Colman succeeded to this bishopric, and other disputes arising touching external practices and ceremonies, many began to fear and doubt, lest, bearing the name of Christians, they, in the Apostle's words, *had run in vain.* The tribulation even reached the palaces of princes.

Oswy had scarce reconciled himself to the loss of Deira, before Penda, renewing hostilities in Bernicia, reduced him in a short time to extremities. Offers of peace were rejected, and the noble gifts, even the regal insignia, jewels, and ornaments of the throne, were refused with scorn: Nothing but extent of empire could satisfy the Mercian. Add to this, that Ethelwald then brought his forces into the field, and declared himself Penda's ally.

Under these complicated calamities, Oswy determined to try the event of battle, as it was evident nothing but ruin would be the consequence of submission. He collected a few veterans in whom he could place confidence, and, together with his son Alcfrid, led them forth, trusting for success in the justice of his cause. Ethelwald, before the onset, considering, that the success of either party would finally terminate in his ruin, when the Mercians charged, withdrew his forces to observe the event, that he might be the better enabled to deal with the victor. This at once gave courage to the Bernicians, and at the same time struck the Mercians with a panic; for, fearing they were betrayed, they betook themselves to flight. December was far advanced when this engagement happened, and the place where it was fought was near to Loidis, which Camden conjectures is now Leeds, on the banks of the river then called Winwed. Penda, and his ally Ethelric, king of the East-Angles, tried every effort to rally the disconcerted army, which greatly exceeded that of the Bernicians, and, as some authors alledge, were thirty to one; but, in the confusion, both leaders falling, their vast army was put to the rout; and what greatly encreased the slaughter, was the sudden inundation of the river, which, overflowing the plain where Penda had drawn up his forces, added to the embarrassment of the flying troops; so that a great number perished in the water.

* Bede, lib. iii. c. 25.

Bede's account is, that, before the battle, Oswy made a solemn vow to God, that, if he prevailed, he would dedicate his daughter to the service of Heaven, in perpetual virginity, and grant twelve farm-holds, with the appurtenant lands, for the erection and endowment of religious houses.* No sooner was he rested from fatigue, than he performed the vow, by giving his child Elfleda, scarce one year old, to be brought up in the holy Church. He granted also the promised lands for religious foundations; six farm-holds in the province of Bernicia, and the same number in Deira. Early in the Saxon Church, religious women, after the example of monastic orders, associated themselves in holy sisterhoods, and some assumed a superiority in those houses. Bede says, "That Hereswide, mother to Adulphe, king of the East-"Angles, lived under religious rule and discipline with her sister "in a monastery in France; where, having resided for one year, "she was invited into Britain by Aidan, and the lands of a lord-"ship, on the north shore of the Were, were granted her, where "she lived, with several religious women, under monastic rules "for a year, after which she was elected abbess of the monastery "of Heortheu, now Hartlepool, which had been built not long "before by the devout woman Heiu, who is said to be the first in "the province of Northumberland that took the vow and habit of "a nun, being professed and consecrated by Aidan." On her leaving this monastery to settle at Colchester, she was succeeded at Heortheu by "Hilda, who conducted the same with regularity "of life and discipline for several years, and at length built the "monastery of Straneshalch, now Whitby, where she spent the "remainder of her life. Oswy's devoted daughter entered the

* Mr Charlton, in his history of Whitby, remarks a mistake that most of our historians have fallen into, who assert, that Ethelwald returned at the head of his troops into his own dominions, where he reigned peaceably several years after; which is an account that abounds with contradictions: For, in the first place, it does not appear that Ethelwald had ever been out of his own dominions, since Leeds, where the scene of the late action had been, lay almost in the centre of Deira, or at least very far distant from any of its borders. And, next, all authors affirm that Oswy, soon after this engagement, wherein he had slain Penda, made a conquest of Mercia, to which he could have no access but through the dominions of Ethelwald. Now it appear not at all likely that he would advance so far to the southward, without first making sure of what was behind him, and subduing those provinces which, through all the former part of his reign, he had been so anxious of having under his subjection. And, lastly, it is well known that Streanshalh Abbey was the monastery, or nunnery, he founded in consequence of his vow, which certainly would never have been the case if he had not considered that place as situate in his own dominions. Therefore we may reasonably conclude, that the sovereignty of Deira henceforward remained in Oswy, and that Ethelwald, though he was permitted to live, on account of his consanguinity to Oswy, never more exercised the regal power, but lived as a private man on his own patrimonial estate, or on some lands belonging to the crown, which his uncle might suffer him to enjoy.

"monastery of Heortheu, or, as it is called in another place, "Hartesilond, there to be brought up under Hilda, the abbess, "in monastic discipline."

Several authors alledge, that the battle before spoken of was fought in the province of Bernicia, at a place called Winwidfield, near the river Winwid. Others fix it at a spot called Loidis, which, as was before observed, Camden interprets Leeds; but this will not correspond with the province of Bernicia, the southern limit of which was the Tees. Bede says it was fought near the river Imet. From the name of the river, and also from the name of the place, it is probable the battle was fought at Whinfield, not far from Lodor, on the banks of the river Emot, or Emont.

Oswy, pursuing his success, subjugated the kingdom of Mercia. He entertained Peada, the son of Penda, with great friendship; and, discovering in him singular virtues, on his consenting to become a Christian, gave him his daughter Alcfleda, whom he had by a concubine, in marriage, resigning to him the government of the southern parts of Mercia, separated from the northern by the Trent.

Oswy had in him a strange mixture of virtues and vices; in the beginning, bloody and tyrannous; towards his latter end, just and moderate. He was highly addicted to superstition, and the blood of Oswine continually hung upon his conscience; to expiate which, he vowed to make a pilgrimage to Rome; but, falling sick, death frustrated his project. He reigned twenty-eight years, and died 15th February 670, in the 58 year of his age.

All the ancient historians are silent as to the fate of Ethelwald. Rapin says, but quotes no authority, that dying without heirs, two years after the battle of Winwid, Deira devolved on Oswy:—And some still later writers seem to have adopted his opinion, with no better support. It seems most probable, that he was deposed immediately after the victory.

Oswy had by Eanfled his queen, two sons and one daughter: Egfrid, the eldest, succeeded to the united crowns of Deira and Bernicia: Elfwin, the youngest, fell in battle at the age of eighteen. Elfleda, the daughter, took the veil, as before mentioned, and became abbess of Whitby, where she died. Eanfled, his widowed queen, retired to the same monastery, where she spent the remainder of her life, and was interred with the remains of Oswy and Elfleda. Oswy, had, by his concubines, two children; Alcfrid, who succeeded Ethelwald in Deira, and, at last, his brother Egfrid, on the whole throne of Northumberland; and Alcfleda, who was married to Peada, Penda's son, and by most writers, charged with the death of her husband.

It is asserted, that, in this reign, Pope Gregory commanded Finan to remove his see to York; but, as he submitted himself solely to the mode of government established in the eastern churches, he consequently did not look upon the pope's directions in that matter as obligatory. He had the happiness of seeing many converts to the Christian faith, with his own hands baptising two powerful princes, Peada, the Mercian king, and Seggebert, king of the East-Angles.* He ordained bishops to attend the initiated, who, aided by the example of their princes, brought over multitudes to the Church. Finan was bishop ten years, and died in the year 661. His character was most respectable, and his virtues eminent. He does not stand charged by any writers with intermeddling in secular matters; but his whole time appears to have been assiduously employed in the promotion of religion and virtue.†

COLMAN

succeeded him, who also came from Scotland.‡ The controversy about Easter, and some other ecclesiastical usages,‖ being revived soon after he was settled at Lindisfarne, began to be carried on with more warmth than ever; for the king, having received his principles from the Scottish bishops, adhered to the rules Finan had taught; whilst Alcfrid, his son, who had been educated by Wilfrid, was a strenuous advocate for the Romish customs. The religious tendency of this matter was undoubtedly of importance

* Bede says (lib. iii. c. 22.) that they were baptised in a famous town of the king's, called *Admurum*: and, in another place, *in the city of Admurum*, nigh unto the wall by which the Romans parted Britain from the Scots, 12 *miles from the east sea*. In Stapleton's translation, Antwerp 1565, the words *by Barwick* are placed in the margin; but this must be a gross error, for *Barwick* answers to neither character. It rather suits *Newcastle*, where it is very probable a city was early founded; and that conjecture is supported by *Jarrow*, being frequently called in ancient authors, *the royal port of Egfrid*, and where the navy would lie more commodiously than in other parts near Newcastle.

† Symeon Dunel. p. 27. Godwin, Wharton, Collier, &c.

‡ Symeon Dunel. p. 30. S. Colmannus epis. Lindisfarnensis, abdicato episcopatu, in Hiberniam rediit, ubi in monasterio *Magionensi* a se constructo, Anglos (inter quos fuit S. Geraldus collocavit, unde locus olim dicebatur *Magionia Saxon*, id est, *Magio* Saxonum. Canonici hujus cænobii ordinis fuit Augustiniani.—*Hibern. Antiq.* Jacobo Waræo, p. 220.

Deinde secessit ad insulam quandam parvam, quæ ad occidentalem plagam ab Hibernia procul secreta, sermone Scottico Inisbouinde (ver. Ang. Sax.;) i. e. Insula Vitulæ albæ noncupatur. In hanc ergo perveniens, construxit monast. et monachos inibi, quos de utraque natione collectos adduxerat, collocavit. Qui cum invicem concordare non possent, eo quod Scotti tempore æstatis quo fruges erant colligendæ relicto monasterio, per nota sibi loca dispersi vagarentur; at vero succedente hyeme redirent, & his, quæ Angli præparaverant communiter uti desiderarent.—*Lel. Col. v. ii. p.* 144.

‖ The mode of tonsure used by the continental Churches, was to make bare the crown, leaving the remaining hair, as a resemblance of our Saviour's crown of thorns. The Scottish Church shore the hair from ear to ear.—*Collier's Church History.*

in those times, and the maintenance of uniformity would have a great effect in vulgar minds: Besides, there was likely to arise much confusion, even in the royal household, by the different times of holding the festival; for the queen having been brought up where the Romish orders prevailed, held to those rules; so that it sometimes happened, the king and his courtiers were enjoying the holy festival at the same time that the queen and her suite were in the solemnity of Lent. To put an end to all disagreeable consequences, and that uniformity might be maintained, the king appointed a time for the matter to be argued in the monastery of Whitby, before the abbess Hilda, who had a celebrated character for piety and godly works. This convention, or synod, was held in the year 664, the king and his son being present. Colman was commanded to explain and support the Scottish rules, which he did chiefly by the example of St John the Evangelist. Wilfrid replied, and opposed the bishop's arguments, even on his own principles, from the practice of St John. He appears, from the relation, to have had greater powers of eloquence, and more knowledge in disputation. When Colman insisted on the sanctity of those whose example the Scottish Church followed, Wilfrid judiciously seized the spirit of his adversary's argument, and closed his speech with this memorable text of scripture; "Thou art Peter, and on this rock will I build my Church, and the gates of Hell shall not prevail against it: And I will give unto thee the keys of the kingdom of Heaven." Struck with this powerful text, and with Wilfrid's assertion, that the Romish usage was supported by Peter's own example; and all parties confessing, that the words of scripture were justly set forth, the king immediately determined for the Romish custom. Colman was so much disgusted, that, after having filled the see only three years, he left Lindisfarne, taking with him about thirty English priests, and all his own countrymen, who persevered in the usages of the Scottish Church. He carried with him some of Aidan's bones as holy relics. Few testimonies remain of this prelate's private character; but from those few it is evident, he was an intemperate bigot, sullen and resentful, proud, and impatient of contradiction.

During the thirty years this see had been established, we hear of no endowments or grants of lands, except the island of Lindisfarne, for the maintenance of the episcopal dignity, or the monastic society. Oblations, and the gifts of kings in money or cattle, were all the means of their subsistence; and of those they dispensed frequently to the poor

TUDA,

after Colman had thus disgracefully abdicated the see, succeeded, being the first bishop of Lindisfarne who held the Romish modes. He was educated among the southern Scottish clergy, by whom he was ordained bishop.* Bede says, "He was a man of great "virtue and holiness, but governed this Church a short time. "He had left Scotland whilst Colman was bishop, to teach the "gospel, and was an excellent example of piety. In the year "664, a great eclipse of the sun happened on the third day of "May, about ten o'clock; and, in the same year, a horrid pesti- "lence raged, which, passing through the southern parts of Bri- "tain, at length reached Northumberland, where great numbers "died, amongst whom was our holy prelate."

Bede's remarks on the succession of Scottish bishops, ending in Tuda, are too honourable to be omitted. "Their frugality, "simplicity of life, and parsimony, appeared in the place of their "residence, in which there was nothing superfluous or unneces- "sary for the humblest life. In the Church only, magnificence "was permitted. Their possessions consisted chiefly in cattle, "for money was only retained till a fit opportunity offered to dis- "tribute it to the poor. Places of entertainment and reception "of princes were unnecessary; for the religious were visited sole- "ly for their doctrines, and the holy offices of the Church. When "the king came there, he was attended only by five or six per- "sons, and had no other object in view than to partake of the "rites of religion, departing immediately after the service: If "perchance they took refreshment, it was of the common fare of "the monks. The attention of those pastors was confined to "spiritual matters only: Temporal affairs† were deemed dero- "gatory to their holy appointment; and thence proceeded the "profound veneration which was paid by all ranks of people to "the religious habit. When any ecclesiastic went from his "monastery, it was to preach the word of salvation, and he was "every where received with joy, as a messenger of the Divinity: "On the road, the passengers bowed the head, to receive the holy "benediction and sign of the Cross; with pious reverence trea- "suring up the good man's precepts, as documents of the most "salutary import. The churches were crouded with a devout "audience; and when a monk was seen entering a village in his "travels, the inhabitants flocked about him, entreating for his "admonitions and prayers. On their visitations, donations and "riches were not their pursuit; and when any religious society

* Wharton's Angl. Sacra.

† Bede means the acquiring of lands and possessions, and such worldly concerns.

"received an augmentation to the revenues of the house, as an "offering of charity by the donor, they accepted it for an ad- "ditional store, with which they were entrusted for the benefit of "the poor."

CEDDA.

In 664, the year in which Tuda died, a great change took place in Lindisfarne, which hitherto had been the episcopal seat, and supreme church in Northumberland; but, upon Cedda's consecration, York was made the bishop's residence, and he assumed the dignity of metropolitan. From this period, for fourteen years, Lindisfarne wanted its proper bishop.* The monastery entertained a numerous body of religious, who bore the most approved character for their sanctity of manners. It is said that Colman, before his abdication, on behalf of this venerable society, petitioned Oswy to appoint Eata, who then governed the house of Melros, to be their abbot. He was one of the twelve youths whom Aidan chose out of the Angles to educate; and, before Aidan's death, was elected to the government of Melros. Eata being translated to the abbacy of Lindisfarne in the year 664, brought with him Cuthbert, whom he made prior.†

There are great contradictions touching the time of Cedda's promotion, some having asserted, that it was obtained through the influence of Egfrid: But this will in no wise correspond with the chronology maintained by the best historians. Wharton says, Cedda presided from 664 to 669, which periods were in the reign of Oswy, who did not die till the year 670. It is certain he was made bishop, by the title of Bishop of York; and he is said by some to have received two consecrations, one during a vacancy of the see of Canterbury, and the other by Theodore, at York: But the contrary will appear in the sequel. Rapin says, "Oswy's "tender affection for his natural son Alcfred, induced him to di- "vide Northumberland again, and make him king of Deira, "though contrary to the people's inclination. The Deirians, "upon Oswy's death, revolted against Alcfred, and put themselves "under the dominion of Egfrid, who thereby became king of all "Northumberland. Alcfred retired into Ireland, where he ap- "plied himself chiefly to his studies, in expectation of a favoura- "ble opportunity to recover his dominions." Rapin gives no "authority for this; neither is it supported by any of the monas- "tic writers, except in the words of Bede.‡ In the mean time "Alcfred sent Wilfrid his priest to the king of France, that he

* Anglia Sacra. † Symeon Dunelm. p. 32.—Angl. Sacra.—Lel. Col. v. ii. fo. 368.
‡ Bede, lib. iii. c. 28.

"might be consecrated bishop in his dominions. Wilfrid making "some stay after his consecration, Oswy, following his son's dili- "gence and example, sent into Kent a holy man, learned in the "scriptures, of a virtuous life, and a strict observer of all religious "duties, to be created bishop of York. He was abbot of Les- "tingham. On his arrival in Kent, finding Deusdedit archbishop "of Canterbury dead, and no one appointed to the See, he tra- "velled into the country of the West Saxons, where Wini was "bishop, and by him this virtuous man Cedda was consecrated, "two other bishops assisting in the ceremony. Having carefully "attended his charge above three years, he was admonished by "Theodore, who had succeeded to the metropolitan See of Can- "terbury, that he was not lawfully and rightfully called to the "episcopacy. The good man, with great condescension and "humility, at the instance of Oswy, relinquished the see, and re- "tired to his monastery, from whence he was soon after, by "Theodore's influence, made bishop of Litchfield, A. D. 669." Bede also says, "That during his being bishop of York, he was "continually visiting the cities, towns, and villages, and even "condescended to sojourn in private houses, to preach the gospel. "He refused the indulgence of riding, constantly making his "journies on foot, as the apostles did." It appears, that Theo- dore, to conciliate the minds of Oswy and his son, had influenced Cedda's resignation, in order to give place to Wilfrid. Theodore was born at Tarsus in Cilicia, a man of deep erudition and approved morals, and was consecrated metropolitan by Pope Vitalian. He was the first archbishop of Canterbury that was universally submitted to by the English Church; for, preceding his time, the bishops of the kingdom of Northumberland were independent. On Theodore's visitation of the northern churches, he reformed their usages, and corrected a multitude of their cus- toms. When he objected to Cedda's consecration, and his hav- ing been obtruded on the See of York after Wilfrid was elected to it, and especially that he had received consecration from the Scottish bishops, the holy prelate made this modest reply, "That "if he questioned the manner of his promotion, he was willing to "lay down his authority; for that he always thought himself un- "worthy of the episcopal character, and took it upon him only "in obedience to his superiors." Cedda lived after a most ex- emplary and seraphic manner, and, as Bede reports, had a visit from angels, who discovered to him the time of his death. He also gives many instances of his piety, and holy works.* He

* Bede, lib. iv.

died March 2, 672, and was interred at Litchfield, where a rich shrine was erected to his memory.

It is remarked by Malmsbury, that neither Colman, nor his predecessors Aidan or Finan, notwithstanding they governed the diocese of York, which had been advanced to a metropolitical privilege, would ever make use of the pall. Indeed, if they would have taken up this distinction, they must have assumed it by their own act, there being no correspondence maintained between them and the Pope. For this reason, Malmsbury says, that when Wilfrid was elected to the See of York with general approbation, he refused the appointment, for fear of being obliged to receive his ordination from the Scottish prelates, looking on them to be little better than schismaticks, which was the reason of his travelling for his consecration into France.*

WILFRID.

as observed before, who had been preceptor to Alcfred, and in great favour with him, was born of mean parents in Northumberland, and continued in his father's house without any education, till he was fourteen years of age. On some disgust he fled from his parents, and by accident met with one who had influence at York, to whom his father had rendered some services. This person observing Wilfrid's graceful person, and the quickness of his natural genius, recommended him to the queen's protection. Cudda, formerly the king's chamberlain, had retired to the monastery of Lindisfarne, and was become a monk: To him Eanfleda committed the care of Wilfrid's education, who continued at Lindisfarne to the age of eighteen, and afterwards finished his studies at Rome. In order to obtain his ordination to the See of York, he went into France; but tarrying there too long, Oswy's patience being exhausted, Cedda was consecrated in his absence, and Wilfrid, on his return, finding the prelate's chair already occupied, and not willing to oppose the king's pleasure, retired to the monastery of Ripon, where he remained till Theodore's visitation; when, by Cedda's resignation, he took possession of the See in peace.

Egfrid's accession to the united thrones of Northumberland took place in the year 670. He had been long held in Mercia as an hostage, whence he returned with his father's victorious army. He had attained his twenty-fifth year when he began to reign, and soon displayed a martial genius, with other great powers of mind; but, by an impetuous temper, involved himself in a series of troubles and misfortunes. The Mercians had revolted, and

* Lel. Col. v. ii. p. 368.

put their virtuous prince Peada to death, placing on the throne a creature of their own, whose first act of power was to expel the Northumbrians from his territories. Egfrid, vain of the power so lately gained, and impatient of the injuries done his crown by the revolt, made war upon Mercia, and much bloodshed ensued. On the borders of the Trent the armies came to an engagement, in which Elfwin, the Northumbrian king's brother, was slain, with many valiant chieftains, and a vast host on both sides.* Elfwin, who had attained his eighteenth year, was lamented by all, as well for his excellent qualities, as his alliance to both princes, he having married Osfrida, the Mercian king's sister.

Theodore put a stop to the farther effusion of blood, which had hitherto produced no advantage to either party, and, by a judicious interposition, reconciled the contending princes, and brought about a peace on eligible terms.

Soon after his coming to the See of York, Wilfrid founded the monastery of Hexham, about the year 674, having obtained Hexhamshire as a gift to religious uses from Etheldrida, Egfrid's queen. Malmsbury says, "This was crown-land, when Wilfrid obtained "it of the queen in exchange;" but leaves it in the dark what was given for it. Neither is there any evidence extant of a royal grant of this territory. The church he built there was erected by workmen he brought from Italy and other distant countries, and dedicated it to St Andrew. Historians of that time say, it exceeded in beauty and elegance every other edifice in the land: They particularly praise the variety of the buildings, the columns, the carvings, the oratories, and the crypts. They dwell with wonder on the richness of the covers for the altar, the gilding of the walls with gold and silver, and the fine library, collected at a great expence. Etheldrida was daughter of Anna king of the East-Angles, and was first married to Tonbert, a grandee in her father's court, with whom she lived a virgin three years. After his death, at the command of her father, she espoused Egfrid, with whom she lived twelve years, but refused him connubial rites. This, †Bede declares Wilfrid told him, and, for instance, said, he of all others could testify it, for Wilfrid assured him, the king promised to give him lands and great riches if he would persuade the queen to submit to his embraces, for he was certain she loved him with the most sincere affection, and valued him above all men. But in this he did not prevail, she being determined to preserve her purity; and having an earnest desire to retire, she frequently entreated the king's permission to dedicate her life to

* Lel. Col. v. i. p. 138. † Bede, lib. iv. c. 19.

the service of Heaven. By repeated importunities, at length his consent was obtained, and she entered a monastery where Ebba was abbess, the king's near relation. Bede says, this religious house stood in a town called Coludi, and that Wilfrid gave the queen the veil and habit. She afterwards became abbess of Ely, and there spent a most exemplary life, practising many severities, such as refusing the use of linen and warm baths, and taking but one meal a-day; continuing in the church at her private devotions, after the times of service, to a late hour, and, as it is said, was blessed with the gift of prophecy. She presided abbess seven years, and, dying of the pestilence, agreeable to her express order, was buried in a wooden tomb. After sixteen years, the body was taken up, to be deposited in one of marble, when it was found uncorrupted, as Wilfrid and many others that knew her, testified, among whom was her physician, who had made an incision in a tumour under her armpit, the escar of which remained. Many miracles were said to have been wrought at her tomb. Thomas of Ely *says, that this queen retired to a nunnery at Cawood, near York, were Ebba, king Egfrid's aunt, was abbess. It appears to be a great error in several authors, who have placed this Ebba at Coldingham.

It is supposed Wilfrid acted a double part in the preceding transaction; for, about this time, he incurred Egbert's severe displeasure. Thomas of Ely adds, that, about a year after the queen's retreat, the king was very desirous of her return, and designed to force her out of the monastery; of which the abbess receiving intelligence, advised her to quit the house privately, and seek some more secure abode; upon which she retired to Ely; and that the king endeavoured to recover her in vain, and, under this disappointment, married Ermenburg, grew very cool towards Wilfrid, and at length expelled him the country. We find an account of this transaction in Eddius's †History of Wilfrid, different from the former; but, as he was his chaplain, he may be supposed to have wrote favourably of him. He tells us,‡ that Egfrid had deprived the church of St Peter at York of a considerable estate, and that Wilfrid's urging a restitution, occasioned the king's displeasure. In another place he says, and is supported by Mamlsbury, that Ermenburg, Egfrid's second queen, was Wilfrid's enemy; that she endeavoured to draw an odium upon

* Hist. Eliensis, and Angl. Sac. p. 598. † Eddius, c. xliv.

‡ *Eddius Stephanus*, who wrote the life of this prelate as early as the year 720, stiles him no other than *Episcopus Eboracensis* throughout his work. But the titles of bishop and archbishop were indifferently used in those days. The pope himself had then no other title than *bishop of Rome*: But, in the Saxon Annals, to a charter there recited of king Ethelred, this Wilfrid subscribes himself, archbishop of York. Chron. Saxon. p. 43.

him, on account of his great revenues in religious houses, the splendour and number of his retinue, and his costly living. This charge was enforced so powerfully, as to make a strong impression upon the king, as well as the archbishop Theodore: But both Eddius and Malmsbury liberally charge the archbishop with bribery, and being a tool of the court. Most authors agree, that Wilfrid was intolerably proud, and lived in a state of magnificence not equalled by princes of that time.* He was artful and insinuating, and knew how to possess the weak moments of zeal and superstition, and did not spare to solicit, or was always eager to accept, extravagant gifts to the church. He built and ornamented, in the most sumptuous manner, his churches and abbies, in which he employed foreign artists, at a vast expence. His magnificence in other respects, was in no ways inferior; for the sons of nobles resided in his house for education; his servants, an infinite number, wore gorgeous apparel; his furniture imitated what he had seen in the palaces of foreign potentates, and he was served in vessels of gold. His principal works were, repairing the cathedral of York, the roof of which he covered with lead, and glazed the windows, about the year 670; and building the two magnificent churches of Ripon and Hexham. Eddius describes him, attended in his journies, when exercising his episcopal function, not only by singers, of whom Eddius himself was one, but by architects and artists of every kind.

Theodore visiting Nothumberland, Rapin says, "Egfrid complained to him of Wilfrid, and let him know, that instead of "edifying the people, he brought a great scandle on religion by "his pride and arrogance. Theodore finding this a fit opportu"nity to improve the revenues of his See, and lessen those of "York, which had been dignified with the title of an archbishop"ric in the time of Paulinus, was resolved not to let it slip. Ac"cordingly, without hearing what Wilfrid had to say for himself, "he deposed him, and obtained the king's leave to divide Nor"thumbland into two dioceses." Whether Theodcre was unduly influenced by the court, certain it is, he was very ready to degrade Wilfrid, whom he esteemed his rival. He pretended the mode of Wilfrid's living, and the extent of his diocese, were too great, and that there was both revenue and people sufficient within the kingdom of Northumberland for four bishops.† The consequence of this deposition was, that York was severed from Lindisfarne, the limits of the latter being confined to Bernicia. And we are also told, that part of Mercia, being held as an appendage of Northumbland, was then also created a bishopric, by

* Bede—Rich. Hagust.—Dugdale. † Collier—Eddius—Malmsb.

the name of Lindsey. Wilfrid's church of Hexham having hitherto received no dignity superior to that of a monastic church, was considered in the above act as a member of Lindisfarne. Upon Theodore's thus cantoning the diocese of York, Bosa was consecrated bishop of York, and Eata of Lindisfarne. Eddius reports, that Theodore had no prelate to assist at the consecration, which was contrary to the fourth canon of the council of Nice. These transactions appear to have been in the year 678.*

Wilfrid heated with resentment, hasted to the royal presence, to implore a redress of grievances; but his hopes were dashed by the unfavourable countenance shewn him by every one at court. The queen exclaimed against the rapid increase of church possessions, as threatening danger to the state. The king confessed he had no criminal charge against Wilfrid, yet justified what Theodore had done on no other principles, than that he was resolved to satisfy his own pleasure, in which he would not be controuled. Wilfrid told the king, his injuries should not rest there, for that he would appeal to the pope; at which the courtiers burst into a contemptuous fit of laughter. It seems by this irreverence, that the court of Egfrid denied the right of such appeals; or that it was grown fashionable, be the enormity ever so great, to flatter the prince's passions. Wilfrid still burning with resentment, and disappointed ambition, hastened into Italy; and, after many crosses in the way, at length he arrived in Rome, where, being well esteemed, he soon obtained a chapter. His sufferings were much condemned, and he returned with the pope's resolution in form for his restoration.

EATA

had not long enjoyed his new dignity, before Theodore thought proper to intermeddle with the possessions of his See; and, severing Hexham from Lindisfarne, erected there a new bishopric. This happened about three years after Wilfrid's departure for Rome, Tumbert being consecrated bishop of Hexham in the year 680. Eata could not brook this injury; for though he had been advanced to the episcopal dignity by Theodore's authority, and had risen on the spoils of Wilfrid, yet he thought proper on this occasion to question the metroplitan's jurisdiction, and, in the warmth of resentment, avowed he had no power over the northren churches. Theodore summoned a convention on the banks of Aln in 684, when Eata, for his contumacy, was deposed. But Theodore, perhaps afraid of a second appeal to the papal chair, thought it expedient not entirely to degrade a man of such

* Wharton's Angl. Sacr.—Symeon Dunelm p. 44.

exalted character, and, to soften the rigour of the decree, translated him to Hexham; and Tumbert, who had given few testimonies of worth, and had been an adherent of Eata, in denying Theodore's authority, was deposed.* There is something obscure in the ancient authors, touching the original division of Northumbland, as if Hexham was immediately erected into a bishopric, and Lindisfarne left open for Wilfrid. If the reader is curious to enquire further, he is referred to the quotations below.†

Egfrid, not content with governing his own people in peace, in 684 sent his forces against the Irish, under the conduct of Bertfred, an experienced general, hoping to conquer the country. Bede represents them as a mild and inoffensive people, constantly desirous of maintaining peace with Britain: Nor does any author assign a plausible pretext for his attacking them. Much bloodshed ensued, and the Saxon general, in outrageous cruelty put the ecclesiastics to death, pillaged and destroyed churches and religious houses. The islanders, at first intimidated, fled before him; but at length, exasperated by this barbarity, and armed with despair, they turned upon the Saxons, who were every where discomfited, and beaten back to the coast; and Bertfred was compelled to embark with the broken remains of his army, having left the flower of the Northumbrian youth dead in this useless expedition, in which nothing was purchased but an odium upon the character of Egfrid.

Wilfrid returning to Britain, big with the papal mandate, obtruded himself on the royal presence; but, to his great mortification, found the king exasperated at his insolence: And it appears that Egfrid expressed his utter contempt of the sentence, reproached Wilfrid for having procured it by bribery and other illicit means, and, as a presumptuous offender against the royal dignity, ordered him into close durance. The devout Ebba, anxious for the cause of religion, which must suffer in the vulgar eye by such acts of severity against the dignified clergy, and touched with the deposed bishop's lamentable situation, interceded with the king for his liberty, which was obtained after nine months imprisonment, on condition that he never afterwards entered the kingdom of Northumbland. Wilfrid travelled into Mercia, where he was kindly entertained, and had lands given him for erecting and maintaining a monastery: But he was quickly forced from this retreat; for the Mercian king, who had married Egfrid's sister, coming to the knowledge of banishment, ordered him to quit his territories. He then sought protection amongst the West-Saxons, but it was not long before he was again pursued by Egfrid's resent-

* Lel. Col. v. i. p. 327. v. ii. p. 338.

† Symeon Dunelm. p. 44.—Bede, lib. iv. c. 12. 28.—Ang. Sacra.

ment, and his queen's hatred, who sent agents to procure his dislodgment. And thus he was hunted from one country to another, it being impracticable for him to live in any prince's dominions where the Northumbrian monarch had influence.

The South-Saxons were yet Heathens. Wilfrid, under the afflictions of such enmity and adversity, was induced to travel into that country to preach the gospel; where the people received a strong impression in his favour, and entertained a high opinion of his holiness, from a mere accidental circumstance. The country, by a great drought suffered famine: After having baptized a multitude of people, he kneeled down to prayer, in the open field, and behold abundant showers of rain fell to replenish the earth. To relieve the immediate hunger of the inhabitants, he taught them to fish with nets, by which means they obtained a comfortable supply. By his labours amongst the South-Saxons it appears, that he wrought their conversion; for he erected a bishopric in Selsy, and continued in that country during Egfrid's life.

On the degradation of Tumbert, at the same synod, held at Twyford on the Aln,

CUTHBERT

was unanimously elected bishop of the See of Hexham. To this eminent personage from whose religious memory so much is derived in the course of this work, great attention is due. By some he is said to have been descended of royal blood in Ireland; his father's name Muriardack, and his mother's Sabina, who, going a pilgrimage, left their son for education at Melros.* But it is generally agreed that he was born of obscure parents, and, in his early years, followed the employment of a shepherd. Bede and Turgot (alias Symeon) would not have neglected to mention his better birth, as they sought every occasion to praise him, had there been any foundation for it. It has been already observed, that, whilst feeding his flocks on the banks of Leder, he had a beatific vision, and saw St Aidan's spirit ascend up to heaven.† Whether moved by this supernatural cause or not, he applied to the abbey of Melros, where, in 651, he gained admittance and initiation, under Eata and Boisilus, and there became a monk. His exemplary virtue and conduct were such, that, when Eata was removed from Melros to the abbacy of Lindisfarne, Cuthbert consented to attend him, and was made prior. During fourteen years residence at Melros, the religious fraternity entertained the highest veneration and love for his character. On Eata's consecration, Cuthbert became abbot of Lindisfarne, and, as Bede says,

* Goodwin. † Symeon Dunelm. p. 24.

" by his example and diligence, he instructed and brought over " many to a regular life and discipline, not only within the limits " of the monastery, but also in the adjacent country. By his piety " and teaching, he laboured to recover the people from their er- " roneous life and conversation, inspiring them with the true love " of holiness, and the hope of heaven. Many at that time had " fallen into superstitions, forsaking the true faith, and, in the " hours of death, and under the tremendous visitations of the " plague, neglecting the holy offices of the church, and the true " consolation of religious faith, resorted to sorceries and idolatry, " endeavouring by inchantments and witchcrafts, secret arts and " invocations of the devil, to counteract the visitations of heaven. " To correct such dreadful errors, this holy father frequently tra- " velled from Lindisfarne, sometimes on horseback, but more " commonly on foot, and, passing into the villages, brought back " such as were fallen into errors. He had such powers of elo- " cution, such a zeal in his exhortations, such a placid and divine " countenance, with penetrating looks, that none durst stand in " his presence without confessing his sins. He was accustomed " to resort to the meaner habitations among the mountains, where " most preachers were afraid, or disdained to go, because of the " wretched dwellings, and miserable way of life, as well as fero- " city of the inhabitants: Yet he so diligently gave himself up to " this duty, that sometimes, on those journies, he did not return " to the monastery for a month together; but, all that time, so- " journed among the mountains, with the poorest people, preach- " ing to them, and, by his holy example, persuading to a reli- " gious life."

Cuthbert having dwelt in the monastery about twelve years,* and conceiving that a monastic life afforded enjoyments incompatible with contemplation and the service of the Deity, retired from thence, and commenced the life of an anchorite in the largest of the Farne Islands, which lies opposite to Bambrough, and within sight of his monastery, being distant from thence only about two leagues. Bede says, on his going thither, he expressed himself to his brethren, " If I am permitted, by the grace and goodness " of God, to subsist there by the labour of my hands, I will gladly " abide in that situation: If that is denied me, I shall quickly " return to you." " Now this place was destitute of wood, water, " and grain of every kind, and also unfit for human dwelling, " because of the wicked spirits and fiends that haunted it." With

* Symeon Dunelm. p. 39.

the assistance of his brethren he built a cell, with a small oratory, and surrounded them with a wall, which cut off the view of every object but that of heaven. He could not have chosen a place more adapted to a life of mortification and severity, being on a stormy coast, surrounded by rugged rocks, over which the sea incessantly breaks with horrid tumult, destitute of fresh water, without tree for shelter or ornament, or shrub bearing even the meanest fruit; nothing wherewith to sustain human life; and, to complete the scene of wretchedness, said to be haunted by devils. Miraculous was the change indeed, according to the legend. From the rocks issued fountains of water; under the tillage of his holy hands, the soil produced barley; trees and shrubs, by his care, flourished abundantly; the storms abated, the plains were covered with verdure, the evil spirits were bound in eternal darkness, and ministers of grace repeatedly visited him.*

* The last isle I visited, was the House Island, the sequestered spot where St Cuthbert passed the two last years of his life. Here was afterwards established a priory of Benedictines, for six or eight monks, subordinate to Durham. A square tower, the remains of a church, and some other buildings, are to be seen there still, and a stone coffin, which it is pretended was that of St Cuthbert. At the north end of the isle is a deep chasm, from the top to the bottom of the rock, communicating to the sea; through which, in tempestuous weather, the water is forced with vast violence and noise, and forms a fine jet d'eau of sixty feet high. It is called by the inhabitants of the opposite coast, the Churn.——Pennant's Tour in Scotland, p. 38.

In Bede's Life of St Cuthbert, we are told the Saint's cell was not the only erection on the island, for there was a larger house near the landing place, where the brethren, who came to visit him, lodged. After the death of St Cuthbert, several persons successively occupied this hermitage. Thomas, prior of Durham, retired to Farne in the years 1162 and 1163. He had engaged in a controversy with that arrogant prelate, Hugh bishop of Durham, touching certain liberties which the monks of that church prompted him to maintain, and who, afterwards deserting him, induced Hugh to procure his deposition. In the year 1238, Thomas the second, of Melsonby, succeeded in Farne Isle, where he died. He was elected to the See of Durham, but opposed by the king.

In commemoration of these examples of religious severity, a priory was founded here, subordinate to Durham, with a revenue of 13 marks from the corporation of Newcastle. The endowment at the dissolution was estimated at £.12: 17: 8. K Hen. VIII. in the 33d year of his reign, granted it to the dean and chapter of Durham.—The remains of these edifices are very ragged and confused, and shew little other than marks of severity and inconvenience, notwithstanding the happy taste which is denoted in the scites of most of the religious houses of the same date. A part of a square tower is standing, which was built by Thomas Castell, prior of Durham, in the beginning of the 15th century. Part of the priory is also remaining.

These erections are on the best part of the island: A little lawn skirts the edifices, surrounded with rugged rocks, from whence issues a spring of fresh water. Since the departure of the religious, this island has returned almost to its pristine state. It consists of a few acres in the whole surface, the chief part of which is sand and rock. A scanty herbage takes place indeed in some spots, especially on the little lawn; but there is neither tree nor shrub. The shore is rocky, and sounding to the hollow sea which rolls upon it, sending forth a horrid howling. The north-east winds blow fiercely here, and every inclemency of weather known to the climate beats on these inhospitable shores, which are tremendous from frequent shipwrecks. There is not a

In this solitude Cuthbert lived for nine years preceding the synod at Twyford on Aln, where he was elected to the episcopacy in 684. He shewed great reluctance to this new dignity, at first positively refusing the nomination, being determined not to quit his cell, and the austerities he had made habitual to him. But upon the king's sailing over to the island, accompanied by bishop Trumwine, many nobles and religious, who were present at the synod, he was prevailed upon by the tears of his sovereign, who, with the whole company, are said to have kneeled, and adjured him in the name of God to take upon him the sacred office. He was consecrated at York, on the 7th day of April, being Easter day, in the year 685, and in the 11th of the reign of king Egfrid, who was present at the consecration. He was first made bishop of Hexham, but having a partiality to Lindisfarne, was translated thither, and Eata was sent to Hexham.

Eata did not long survive those changes. Cuthbert's consecration was in the last year of Egfrid's reign, and Eata died in the first year of his successor. There is not an imputation on the life and character of Eata, but that single error of incurring the displeasure of the metropolitan, under whose auspices he had received his dignity.*

It was the custom of Lindisfarne, from the first erection of the See, for the bishop and his clergy to reside with the abbot and monks; and the monks were, as Bede observes, immediately under the bishop's jurisdiction, and sometimes the same person was both abbot and bishop. It must be observed, that Cuthbert's acceptance of this See, after Theodore's severance of the diocese of York, is by Collier, and other writers, taken up as a cause of imputation, as a tacit confirmation of the wrathful purposes of Egfrid, against the persecuted Wilfrid.†

Before Cuthbert's consecration, the nothren churches received few endowments of lands. Of the gift of Hexhamshire no record is extant; nor of a decennarie, or territory of ten households for the religious society of women at Weremouth; and that at Hartlepool was another for which there is no better authority. But, on the accession of Cuthbert to the See of Lindisfarne, a singular grant was made by Egbert.‡

coast more likely to give one the idea of shoals of wandering spirits, who visit the *semisepulta ossa*, over which they loiter on this side Styx, whilst unfriendly whirlwinds cover the remains with sand, and forbid the funeral rites for which the spirits languish. ——View of Northumberland.

* Bede, lib. iv. c. 26. lib. v. c. 2. and Anglia Sacra. † Symeon Dunelm. p. 46.
‡ Lel. Col. v. i. p. 327. v. ii. p. 368.

In nomine Patris et Fillii et Spiritus Sancti, amen. Anno Dominicæ incarnationis 685, *congregata synodo juxta fluvium Alne, in loco qui dicitur Twyforth, cui Theodorus archiepiscopus Dorvernensis præsidebat; cum Cuthbertus multis legatariis ac literis ad se præmissis nequaquam suâ insulâ posset erui; tandem ego Egfridus rex Northumbrorum cum Antistite Trumwine, et aliis religiosis viris insulam navigavi, et invitum ad synodum pertraxi, ubi omnium jussione episcopatus officium suscipere compellitur: Cui, et omnibus successoribus suis, cum consilio Theodori archiepiscopi et Trumwini, et totius concilii, pro salute animæ meæ, et omnium successorum meorum, donavi villam quæ vocatur Creec, et tria milliaria in circuitu ipsius villæ. Donavi etiam civitatem quæ vocatur Lugubalia, et in circuitu ejus quindecim milliaria, ut hæc tam ipse quam successores sui ad Dei servitium imperpetuum habeant, ita sicut ego habui, libera et quieta, et secundum suam voluntatem disponenda.*

Ego Theodorus, *Archiepiscopus Dorvernensis, subscripsi.* +
Ego Bosa, *Episcopus, subscripsi.* +
Ego Cedde, *Orientalium Saxonum Episcopus, subscripsi.* +
Ego Sexul. *Merciorum Episcopus, subscripsi.* +
Ego Trumwine, *Pictorum Episcopus, subscripsi.* +
Ego Ceadda, *Lichfeldensis Episcopus, subscripsi.* +
Ego Eadhed, *Lindissi Episcopus, subscripsi.* +

Hæc donatio scripta est tempore Agathonis Papæ, anno ætatis regis Egfridi 40, regni vero ejus 15°.*

Two things are remarkable in this grant; one that it expresses to be made by the advice of the bishops, and of the whole council; and that it gives the lands and tenements to the bishop, and his successors, in that large and ample tenure, "*ita sicut ego habui*," as fully and amply as the king himself held the same. When the nature of the Saxon tenure of lands at that day is considered, those words have a latitude more singular than at first sight they may seem to bear; for they carry with them a special jurisdiction and authority. Besides the territories included in the preceding grant, Egfrid gave to St Cuthbert's See all the lands from the walls of the church of St Peter in York, to the west gate of the

* This charter, by some, is held to be fictitious. Cedde died in the year 664. Sexulfus was not made bishop of the Mercians till after Ceadda's death, who is also said to have signed this charter, and who did not die till 672. See appendix to Smith's Edit. of Bede's works, No. 22. Though these circumstances impeach the authenticity of the record greatly, yet, as it has been accepted by several grave and learned historians, I think it best to give it a place here, with equal attention, as others have done.

city, and from the same church to the city wall on the south. From this period church-possessions began to increase in the north; the religious were no longer content with oblations, but grasped after landed property and civil power.

Some short time preceding St Cuthbert's consecration, the monastery of Coldingham was burnt. The religious society there consisted of monks and nuns, who occupied separate parts of the edifice. But the severe rules of the house were not sufficient to prevent a shameful relaxation of discipline; insomuch, that the destruction of that stately edifice was considered a judgment, on the crimes and pollutions of its inhabitants. The monastery of Lindisfarne looked upon this event with religious horror, and soon after Cuthbert was made bishop, he forbade the approach of women to the convent, and even denied them access to the church, where the monks performed their devotions. He caused a small chapel to be erected on a distant plain on the island for their reception, which, from its situation was called the green church. Women were afterwards excluded churches or cemeteries where St Cuthbert's body rested; and some miraculous punishments are related which attended infringements on this rule.

Soon after Cuthbert was settled in the See, Egfrid, from a restless disposition, or ambitious for extent of dominion, levied a great army, and marched into the territories of the Picts, contrary, as said by several writers,* to the opinion of his council, and the prophetic admonitions of his bishop, who foretold the ruinous consequence of the expedition. He ravaged the borders, and flushed with success, pursued the flying enemy into the heart of the country, among mountains and defiles, to which his people were strangers, and where little or no forage was to be obtained. When his troops were fainting with fatigue and famine, he understood too late, that the flying natives had only made a feint to draw him forward, whilst their main body seized those defiles and straits in the mountains by which he must necessarily return. He was constrained to fight his way at a great disadvantage, and fell in the field, with half of his army. The Picts pursued their advantage, and regained all that extensive territory the Northumbrians had at different periods annexed to their crown. From this fatal overthrow, the throne of Northumberland began to diminish in power and splendour, and never afterwards possessed those extensive bounds of dominion which it did at the commencement of Egfrid's reign.† The royal remains were interred in the island of Hii.

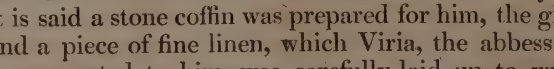
* Bede—Rapin—Cum mul. al.

† The place of this defeat is by some supposed to be on the banks of Solway Frith, and by others alledged to be further northward, which they support by Hii being the place of Egfrid's sepulture.——Border Hist.—Bede—Symeon, &c.

Egfrid, though twice married, left no issue; his brother Alcfrid, coming from his retreat in Ireland, ascended the throne. The queen, Ermenburga, according to Symeon and others, was professed in the nunnery at Carlisle, Cuthbert giving her the veil.

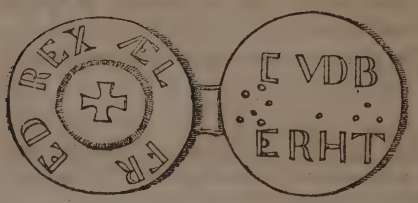
Cuthbert enjoyed his change of life and dignities but a very short time; for, within two years, finding his health declining, and his mind being by habit tempered more for solitude and silence than the duties of his high office, he resigned the See, and returned to his cell in Farne, where he survived only two months, departing this life on the 20th day of March 687, in the 53rd year of the erection of the See of Lindisfarne, and 37 years after he had assumed the monastic habit at Melros.* He expressed an earnest desire to be interred near his little oratory in Farne; and it is said a stone coffin was prepared for him, the gift of Cedda; and a piece of fine linen, which Viria, the abbess of Tynemouth, presented to him, was carefully laid up to wrap his remains in. But the monks of Lindisfarne prevailed with the bishop to permit his body to be interred in their church, where it

* Wharton, Goodwin, &c.——In the Philosophical Transactions, No 247 and 260, and in Gibson's edit. of the Britannia, a curious jewel, representing St Cuthbert, is described, found near Athelney in Somersetshire. The portrait is enamelled on gold, drawn sitting in an episcopal chair, with the following inscription :



Thus construed :——ALFREDUS ME JUSSIT FABRICARI.

Mr Wallis, speaking of this portrait, has the following remarks :—"King Alfred "preferred these characters to the Saxon, and when he swayed the sceptre, brought "them into use. This curious memorial of St Cuthbert was found in the very place "of that glorious monarch's retreat and deliverance from the Danes, fortified by him "in the time of war, and in the time of peace converted into a monastery." Dr Musgrave (who wrote a dissertation thereon,) thinks this curious Cimolium an undeniable instance of the use of images coming from the Heathens into the Christian church. Dr Hickes has engraven it in his Thesaurus, and is of opinion, that the occasion of it was the vision of St Cuthbert, which William of Malmsbury speaks of, appearing to him and his mother the same night, (after he had been beaten by the Danes, and retired into Athelney,) and assuring him that he should be a great king. In memory whereof we may well suppose, that the image upon it is St Cuthbert's, (to whose merit he was wont to ascribe his future successes over the Danes,) and not only so, but being plainly made, on purpose to hang on a string, it is very probable that himself constantly wore it, in honour to this his tutelar saint.—It is said to be now in the Ashmolean Museum at Oxford.—See Archæologia, vol. ii. p. 68. 72.



So dear was this saint to King Alfred, that he made him share with him in his sovereignity, and honoured his name upon his coin, stamped on one side with ÆLFRED REX; on the other, CVDBERHT.

was deposited with great funeral pomp, first in the cemetery of the old church, and afterwards, on occasion of the cathedral being rebuilt, on the right side of the high altar. For his exemplary piety and virtue, the Church inrolled him in the table of Saints.

Symeon says, that St Cuthbert, on his death-bed, implored the monks to remove his remains, in case the island should be distressed by the ravages of Pagans, or an enemy who paid no veneration to the Christian church, and from thence his panegyrists infer, that he had a prophetic idea of the troubles which would ensue, or of the enthusiastic veneration which future ages would pay to his ashes.

The public works ascribed to him, are the foundation of a monastery at Crake, restoring the nunnery at Carlisle, and establishing a school there, for the advancement of religion.

St Cuthbert was remarkable for an unshaken serenity of temper, and meekness of demeanour; by preserving which, and perservering in his admonitions, he overcame the oppositions of the refractory, and brought the religious, especially those of his own convent, to submit to the most rigid monastic rules.* In his dress he was neither nice nor sordid; and, in imitation of him, no garments were used in that monastery of various or costly colours, but were, for the most part, of the natural colour of the wool.†

ALCFRID

whilst in Ireland, applied himself closely to the study of philosophy, and revealed religion; and is spoken of by writers of antiquity, as one of the most learned and religious princes of that age.

By the unsuccessful wars of Egfrid, the limits of the Northumbrian kingdom were greatly diminished; the Welch had made incroachments on the western boundary, and the Picts retained what they had recovered, so as to shut in his dominion within Solway and the Tweed. Whatever success he had against the Picts, produced no happier issue than to secure those limits. About the 13th year of his reign Brithricus, otherwise Bertus, a general of great character, fell in an enterprize against that people.‡

Although no great success in arms give honours to this reign, yet the king's wise government, and salutary laws, procured to him immortal fame: His people were happy under his administration, and his prudent maxims laid the foundation of future

* Bede.

† A new edition of the Legend of St Cuthbert has been given to the public by Mr Allan from his private press, from a copy of the original, written by the author Robert Hegge, in the library of Corpus Christi College, Oxford.

‡ Hollinhshead—Bede—Math. Westm.—Brithricus Comes Northumbriæ, volens Ecfridi regis, necem vindicare, a Pictii interfectus est——Flores Historiorum.—Lel. Col. v. iii.

security and prosperity to his dominions. He was attentive to the cause of religion, and founded schools for the education of youth.*

Archbishop Theodore, declining in health and strength, grew anxious to relieve his conscience from the severities he had exercised against Wilfrid, sought therefore to regain his friendship; and, through his interest with the king, and earnest solicitations in his favour, obtained his restoration. At Wilfrid's return into the Northumbrian dominions, the king put him in possession of his church of Hexham, St John of Beverley having vacated that See on his translation to York. It appears that Wilfrid, during a vacancy of one year, exercised the episcopal function for Lindisfarne, until the consecration of Eadbert. In a short time afterwards, he was restored to the See of York. He had no sooner re-assumed this dignity, than his ungovernable ambition and arrogance blazed out a-new. The See of York, at his first assumption of the episcopal dignity, held in unity the kingdom of Northumberland: At his restoration, it stood dismembered. He made injudicious pretensions and claims to effect a re-union of Hexham and Lindisfarne, so as that the whole ecclesiastical jurisdiction might be comprised in the church of York; which so exasperated the king, and was a thing so inconsistent with the politics of the times, that he was again expelled, and obliged to fly the realm. Collier, from the authority of Eddius, ch. 43. and 44. says, The grounds of this rupture were, "because the king had secularized "part of the revenues of St Peter's church of York, dissolved the "monastic institution of Hexham, and taken away the privileges "granted by the crown, and confirmed by Pope Agatho: And, "lastly, that the king would compel Wilfrid to be subject to the "orders and injunctions of Theodore. Wilfrid refusing to com- "ply with such authority, and insisting on restitution in the other "matters, was banished."

EADBERT

was consecrated bishop of Lindisfarne in 688. He was a learned man, of exemplary life and piety, and a most humane and charitable disposition.

In the year 690, Theodore departed this life at the age of eighty-eight. Amongst the many laudable works he accomplished, two are of chief consequence to posterity. He was a great encourager of learning, and liberal education, for which purpose he established public schools, and collected from abroad a very

* Alfridus frater regis Ecfridi doctus in scripturis, strenuus in bello, reg. 20 annis. —Hen. Hunt.—Lel. Col. v. i. p. 191.

valuable library, both of Greek and Latin authors, some of the manuscripts remaining to this day.* Whitlock in his notes upon Bede, reports, from the Codex Cantauriensis, in manuscript, that Theodore made a great improvement in the English churches, set the distinctions of parishes on foot, and brought them forward towards the present form. Bede, as Dr Stillingfleet observes, mentions the progress of this design in several places, as also do the Saxon councils.†

The laws of Ina, king of the West-Saxons, are supposed to have taken place about the year 690; the fourth section of which is to the following purport: "The first fruits of seeds, or the "church-dues arising from the product of corn, &c. are to be "paid at the feast of St Martin; and let him that fails in the pay-"ment forfeit 40s,;‡" as Lambert reads it; or 60s. according to Sir Henry Spelman;‖ and besides, pay the dues twelve times over: And, in section 62d, "Church-dues are to be paid where "the person owing them dwells in the midst of winter." These laws are mentioned, as they appear to be the first on record touching such kind of maintenance for the church. The oblations and gifts of the people, which first arose in benevolence, as acts of piety, were grown by usage and custom into a right, and now advanced into the firmer title of ordinance. It is from thence that modern lawyers say, that tythes are due of common right, as having existed from the first establishment of churches, and made regular from the division of parochial limits. To return to Wilfrid:—

In his second banishment, he sought refuge in the court of Mercia, where he won upon the ear of Etheldred, and gained from him the bishopric of Leicester. Adversity is said to be the school of wisdom, but it did not prove so to Wilfrid; for, in his new station, he conducted himself with such insolence and impropriety, that he incurred the displeasure of the Mercian king and the archbishop of Canterbury, who brought him to judgment before a synod.

The design of convening this assembly, it is thought, was to persuade Wilfrid§ to resign his bishopric; and, if they could not prevail upon him, the next point was to get him condemned by a majority of the bishops, that so the odium of expelling him from the metropolitan See might be taken off from the king. In Wilfrid's defence, he reproached the synod with open opposition to

* Antiq. Brit. in Theodore, p. 53. † Stillingfleet's Eccl. Cases.
‡ A Saxon shilling consisted of five pence sterling.
‖ Lambert Archionom. p. 2. Spelman Concil. vol. i. p. 127.
§ Collier's Antiq. Britain—Eddius.

the authority of the See of Rome, for two and twenty years together. The first sentence this synod pronounced against him, and which was agreed to by the king and the archbishop, was, *That he should be disseized of all his revenues, both in the kingdoms of the Northumbrians and Mercians.* The severity of this judgment startled some of the most tender consciences, and, after a remonstrance, it was so far mitigated, that Wilfrid should possess his monastery of Ripon, if he would bind himself not to go out of its precincts without the king's leave, nor execute any part of the episcopal function. Wilfrid exclaimed vehemently against these proceedings, and declared his resolution to appeal to Rome for redress. He was now 70 years of age, and yet his powers were so little debilitated, and his passions continued so warm, that he again journeyed to Rome, where, in spite of the character of a turbulent and contentious prelate, which he carried along with him, he obtained a decree for his restoration. Returning a second time with the papal mandate, and at a more propitious season to obtain the reward of his labour, the archbishop found it convenient to acquiesce; for the Mercian king had assumed the habit of a monk; and the king of Northumberland, under the attacks of a dangerous disease, feeling compunctions for the sufferings of Wilfrid, was reconciled to him.

During this time, Eadbert, with a soul full of benevolence, discovering that the exaction of the church-dues or tythes, from the lower classes of people, was become a grievance, made it a general rule to restore them to the poor. He began, and lived to complete, the cathedral of Lindisfarne, which he built of stone, and covered with lead, the remains of which are still standing.* After having finished this pious work, he caused the bo-

* The cathedral is in the form of a cross, the east and west limbs of which are yet standing, the other parts totally in ruins, and almost level with the ground. The order of building in this structure is rude and heavy, and most of it in the worst mode of the early Saxon architecture. Mr Grose says, "Probably it was the work of different periods; great part of it seems very ancient, the arches being circular, and the columns very massy, and much like those at Durham, but richer. On the north and south walls there are pointed arches, which proves, that part of it at least was built since the reign of Henry II. The destruction made by the Danes occasioned much of this variety to take place. The pillars on which the arches rise in the centre of the cross, are clustered, and plain capitalled, being the corner supporters of the great tower. These arches are of few members." The chancel seems to be of more modern architecture, with painted windows, and no side ailes, and perhaps took date, as Mr Grose observes, after the reign of King Henry II. when this church became a cell of monks, subordinate to Durham. The nave of the church consists of a wide centre, and two side ailes, the columns of which are heavy, and the arches circular. In the superstructure of the north and south walls, pointed arches appear. The windows are narrow, ornamented with a corner pilaster, and a moulding of few members. The walls are very thick, and every part wears a gloomy countenance. The south wall of

dy of St Cuthbert to be removed into a magnificent tomb prepared for it, on the right side of the high altar. On this occasion the authorities state, that the body was found perfect and uncorrupted, as if still living, the limbs flexible, and the whole appearance more like one that slept than one that was dead; the vestments in which the corpse had been interred, remaining clean and whole. The new sepulchre was elevated above the pavement of the church, for better observation, and greater reverence.*

After having executed this great work, and held the See ten years, Eadbert departed this life in the year 698, and was interred in the spot where St Cuthbert's remains had been first deposited.†

EADFRID,

or, agreeable to some authors, Egfridth, was the next who possessed the See, a monk of Lindisfarne, and one of the most learned men of his time. He translated the Gospels into Latin; which

the middle tower is standing, about fifty feet high; and one corner tower, on the west end of the church, remains perfect. These ruins still retain one most singular beauty: Under the tower was a fine canopy arch, a vault or dome, with ribs or bows springing from the angles, and crossing each other diagonally. One of the arches yet stands, unloaded with any superstructure, supported by the south-east and north-west corner pillars, and ornamented with the dancette or zigzag moulding, much used in the old Saxon architecture, stretching a fine bow over the chasm and ruins occasioned by the falling in of the ailes. The chief parts of the structure are composed of a soft red freestone, which yields much to time, and renders the aspect of the building dark and melancholy. Mr Grose's account, comprehends the following particulars:—"Various fragments of the offices of this monastery are still standing, and foundations of buildings are scattered over a close of near four acres. The main walls of the church, on the north and south sides, are still standing, though much out of the perpendicular, inclining outwards so considerably, as to make the horizontal distance between them at the top exceed, by near two feet, that at the bottom. Another winter or two seems to be the utmost they can stand. This building consists of a body and two side ailes, into which it is divided by a double row of very solid columns, whose shafts are richly ornamented. Each row has five columns, of four different constructions, and two pilasters in the walls on the east and west ends;" (this he speaks of the nave.) "The shafts of these columns are about twelve feet high, their diameters about five: Their capitals and pedestals are plain; they support circular arches, having over each arch two ranges of windows; the lowest large, and in pairs, separated only by a short column; the upper, small and single. The length of the building is about 138 feet, the breadth of the body 18 feet, and that of the two side ailes, about 9 feet each."

The prospect from this island is beautiful: To the northward you command the town of Berwick, over an arm of the sea, about seven miles in breadth. At near the same distance, to the south, you view Bambrough Castle, on a bold promontory. On the one hand you have a view of the open sea, at the time of our observation, calm and resplendent, scattered over with vessels; and, on the other hand, a narrow channel, by which this land is insulated, about two miles in width. The distant shore exhibits a beautiful hanging landscape of cultivated country, graced with a multitude of hamlets, villages, and woodlands.—For a particular account of this place, see the Author's View of Northumberland, vol. ii. p. 3.

* Wharton's Angl. Sacra—Symeon Dunelm. p. 55. and 57.

† Lel. Col, v. ii. p. 370.—Symeon Dunelm. p. 59.—Bede.

work, after his death, was highly decorated by his successor, with gold and jewels. Bilfrid an hermit, illuminated it with various paintings, and rich devices; and Adred, a priest, interlined it with a Saxon version. This curious work is now deposited in the British Museum, in the Cottonian collection.* Under this learned prelate's patronage, the venerable Bede wrote the life of St Cuthbert. Bede undertook to remonstrate to the bishop on his neglect of the duties of his high office; for though he had, soon after his coming to the See, through his veneration for the memory of St Cuthbert, repaired and beautified his little oratory on Farne, yet he did not follow so closely his exemplary life, as Bede conceived he ought to have done, for the honour of religion; whereupon he took upon him to dictate to the prelate. The epistle wrote on this occasion was said to be the means of Eadfrid's attending more strictly to his studies; and from that time he translated a great part of the Gospels into the Saxon language, for an easier communication to the people. Bede's maxims were well adapted to the age, and are still not uninstructive to prelates of more modern and learned times. The subjects of his expostulation were chiefly the importance of a bishop's duty, and the greatness of the charge which he had assumed. He entreated him to recognise the divine commission, as being the ordination of the great missionary of Heaven; that he should rebuke the proud in the vanity of their high station, and instruct them in the duties of humiliation; that they should not erect churches for the sake of popular admiration and wordly honour, but as works of piety only, for the propagation of religion and virtue; that he should visit his clergy, and reprove, or lop off, those branches which were contaminated with the vices of the age; and that his leisure hours should be appropriated to acts of devotion and study, and not sacrificed to pleasures, luxuries, and useless ease.†

During Eadfrid's espiscopacy, King Alefrid departed this life, in the year 705. In his youth he married Kenburg, the daughter of Peada the Mercian, and had issue by her one son,

OSRED,

an infant of eight years of age, under the guardianship of a powerful lord, named Brithric.

Eadulph, a lord of the country, taking advantage of Osred's youth, made an attempt to usurp the throne, assisted by a powerful party, who proclaimed him king. This obliged Osred and

* Quatuor Evangelia Lat. ex versione Hieron. cum interlineari Saxonica, &c. Idem Codex. est is de quo tot miracula narrantur in Chronicis et Annalibus Dunelm. Eccles. &c.—Nero, d. iv.—See a curious specimen of this book in Strut's Chronicle.

† Angl. Sacra—Lel. Col. v. i. p. 328. 370.—Symeon Dunelm. p. 60.

his guardian to shut themselves up in Bambrough Castle, where the unskilful usurper immediately besieged them; and instead of marching through the country, seizing the strong-holds, and receiving allegiance from the people, he wasted his time in a fruitless attempt to take this impregnable fortress, which gave the king's friends an opportunity to recover from their surprise, and a means of levying troops for the defence of their lawful sovereign. It was long before Eadulph discovered his party was weakened, the populace were deserting him, and his cause more perilous than he at first conceived. Troops were marching from every quarter to surround him, and all his safety seemed to depend on raising the siege. Sudden and hasty measures are attended with confusion; Brithric, observing what was doing in the besieger's lines, and before Eadulph could escape, made a successful sally, took the usurper prisoner, and immediately struck off his head before the walls of Bambrough.*

During this short usurpation, Wilfrid, not doubting of Eadulph's success, very impolitically repaired to him, in hopes of securing his friendship and protection. But Eadulph knowing him to be hated by the Northumbrians, and willing to do them a pleasure, gave him a very ill reception, forbidding him ever to appear again in his presence. Brithric did not remain uninformed of Wilfrid's conduct, and despised him for it.†

As soon as the rebellion was suppressed, and Osred's throne secured, Berthwald, archbishop of Canterbury, became Wilfrid's advocate, and prevailed with the king to assemble a council, near the river Nid, to deliberate on this prelate's extraordinary case. The king was attended by three northern bishops, and several abbots: The abbess Elfleda, the deceased king Alcfrid's sister, was also present. The abbess declared, that her royal brother, on his death-bed, had promised to stand by the decree of the apostolic See; and, in case of his death, he charged his successor with the performance. Brithric was also present, and, having forgot his resentment against Wilfrid, for the love of truth and justice, said, that when they were hard pressed during the siege of Bambrough, they made a solemn vow of compliance. On which the bishops agreed to the following accommodation: That John of Beverley, bishop of Hexham, should be removed to York, vacant by the death of Bosa, and that Wilfrid should be put in possession of the bishopric and monastery of Hexham, together with the abbey of Ripon.‡ Wilfrid survived this accommodation about four years, when he died at his monastery of

* G. Malms.—Sax. Ann.—Bede—Flor. Wigo.—Rapin.
† Eddius—Rapin—Angl. Sacra.—Godwin.
‡ Malms.—Camden—Eddius—Collier—Wharton, &c.

Oundle in Northamptonshire, October 12, 711, aged 76, having held the episcopal character 45 years. His body was embalmed and interred at Ripon, with great solemnity and funeral pomp.* He made a nuncupative will, and divided his estate into four parts; one to the churches of St Mary and St Paul; another to the poor; a third to the abbots of Ripon and Oundle, that they might be in a condition to make an interest at court upon an occasion; and the remaining part, for the maintenance of those who had followed his fortune, and been his companions in exile.†

When the king arrived at manhood, he fell into the most vicious courses of life, and, in the gratification of his lust, committed innumerable outrages.‡ Disregarding all ranks of religious men, he held the preaching fathers in the utmost contempt, which, in that age, was esteemed one of the greatest acts of impiety. Despising all restraint, his brutal habits knew no bounds; the defilement of the marriage bed, the violation of women of all ranks, even of nuns, and the pollution of the most sacred places, were his ordinary offences. After Alcfrid, Oswey's natural son, came to the crown, all the bastards of the king's or their descendents imagined they had the same right to aspire to the throne. This proved the occasion of a multitude of troubles. Cenred and Osric, descendants of Ogga, natural son of Ida, seeing the king was destested, formed a party against him. The conspiracy was abetted by the clergy of all ranks, who, for the general cause of religion, and particularly their own safety and peace, were anxious to depose this outrageous violator of all laws. An open revolt soon took place. Inflamed with the cry of religion, the populace, with

* Bede gives this epitaph:——

Wilfridus hic magnus requiescit corpore præsul,
Hanc domino qui aulam, ductus pietatis amore
Fecit, et eximio sacravit nomine Petri;
Cui claves cæli Christus dedit, arbiter orbis;
Atque auro ac Tyrio devotus vestiit ostro.
Quin etiam sublime crucis radiante metallo
Hic posuit trophæum, nec non quatuor auro
Scribi evangelii præcepit in ordine libros,
Ac thecam e rutilo his condignam condidit auro.
Paschalis qui etiam solennia tempora cursus,
Catholici ad justum correxit dogma canonis,
Quem statuere patres, dubioque errore remoto,
Certa suæ genti ostendit moderamina ritus;
Inque locis istis monachorum examina crebra
Colligit, ac monitis, cavit quæ regula patrum,
Sædulus instituit, multisque, domique, forisque,
Jactatus nimium per tempora longa periclis,
Quin decies ternos postquam egit episcopus annos,
Transiit, et gaudens cælestia regna petivit.
Dona, Jesu, grex ut pastoris calle sequatur.

† Eddius—Collier. ‡ Lel. Col. v. i. p. 139.

a burning zeal, took up arms; and Osred, obliged to try the event of battle, was slain, in the eleventh year of his reign.* He married Cuthburga, sister to Ina, king of the West-Saxons, who detesting his repeated adulteries, and enormous vices, obtained a divorce, and retired to a nunnery she had founded at Winburn, in Dorsetshire.† They had no issue.

CENRED,

supported by his party, usurped the throne in the year 716; but, after reigning two years, departed this life.‡ The events of this short period, historians have not recorded.

OSRIC,

on the demise of Cenred, seized the sceptre in the year 718; but what were the events of the nine, some say eleven, years of his reign, no historian hath mentioned. All that is recorded of him, after his usurpation, is, that he suffered a violent death.‖

Our pious bishop was a spectator of these convulsions of state; but whether he was engaged in abbetting the conspiracy, by which the wicked Osred fell, historians have not said: Neither is it matter for surprise, that the pens of ecclesiastics should refuse to hand down to posterity, any relation that might impeach the character of our venerable prelate. Eadfrid, having held the See twenty-four years, departed this life A. D. 721, and was buried at Lindisfarne.

During the reign of Osric,

ETHELWOLD,

abbot of Melros, an intimate friend of St Cuthbert, succeeded to this bishopric, A. D. 724. He caused a ponderous cross of stone to be made and erected in the ground adjoining the church, which was inscribed with his name, and other memorials. The socket, or foot-stone, in which it was mortised, still lies a few paces to the east of the ruined church.§ It was held in such veneration, that, after being broken by the Danes, in their first decent on this island, the parts were put together by skilful workmen, with lead and cement. It was carried, with the remains of St Cuthbert, wherever the flying monks wandered with their holy charge, and at last was placed in the cemetery of Durham ca-

* Hen. Huntingd.—Lel. Col. v. p. 190.—Chron. Winton.
† Chron. Sax. ‡ Lel. Col. v. i. p. 191.
‖ Chron. Sax.—Chron. Winton, &c.—Bede—Lel. Col. v. i. p. 83. 84.
§ Now called the Petting Stone. Whenever a marriage is solemnized at the church, after the ceremony, the bride is to step upon it, and if she cannot stride to the end thereof, it is said the marriage will prove unfortunate.——An account of the cross will be given in the sequel of this work.

thedral. It has been asserted to have been the first erected in the diocese; but has been already noticed, that St Oswald set up one in the front of his army, before his signal victory over Cedwell; and in the discourse which, according to Symeon, St Cuthbert held with his brethren, in his dying moments, his request was to be buried near a cross which he himself had erected.*

There appears to have been a vacancy in the See for three years before the consecration of our bishop; but writers assign no cause for it, and indeed they are silent as to the transactions of many years during the reigns of Osric and Cenred.

Rapin says, Osric on his demise left his crown to his cousin Ceolwlph; but the fact seems to be, that, by the election of the people,

CEOLWLPH

ascended the throne in the year 730. He was a lineal descendent of Ida, from Ogga, his eldest illegitimate son. At this time the kingdom of Northumberland was undisturbed by the northern nations. The Picts had entered into a treaty with the English, and those clans of Scots who dwelt in Britain, kept quiet within their own frontiers, and attempted nothing upon the Northumbrians.† As for the Britons, they refused all friendly correspondence, hated the English upon the score of the old quarrel, and refused to conform to the Romish usage of keeping Easter. Bede says, "Now all war and tumult ceasing, and unity and concord "universally prevailing, many of Northumberland, as well of the "nobility as lower classes, laying aside the use of arms, became, "both they and their sons, religious men." The king was a pious man, and spent his days in devout exercises: The reins of government were relaxed; a religious enthusiasm possessed the people; and that abstracted indolence took place, in which neither arts or sciences, cultivation of land, or manufactories, advanced. The commonwealth must always suffer under an overheated zeal, and enthusiastic religion. The king being ever at his devotions, the nobles catched the infatuation, and conceiving self-denial, mortification, and neglect of worldly concerns, most acceptable to Heaven, they founded religious houses, built churches, and took on them the monastic habits. Those who should have appeared in the several departments of government, were sunk into cells, and the state lost its necessary supports. The enthusiasm also extended to the lower classes. Bede seems to have had a prophetic spirit of the evil consequences which would

* Cum Deus susceperit animam meam, sepelite me in hac mansione, juxta oratorium meum ad meridiem contra orientalem plagam sanctæ crucis quam ibidem erexi. —Symeon Dunelm, p. 51.

† Symeon Dunelm. p. 63.

ensue; but it was not suited to his station, to pronounce against an error on which the power and growing wealth of religious houses depended. He saw, however, that monasteries, unless their numbers and conduct were attended to by the legislature, would prove an injury both to church and state. This appears by his letter to Egbert, bishop of York, written some few years after his ecclesiastical history. After shewing the necessity there was for encreasing episcopal Sees, he says, "There are monaste-" ries enough that ought to spare part of their estates for such " uses;" and therefore, "he thought it reasonable some of their " lands should be taken from them, and laid to the bishopric; " especially as many of them fell short of the rules of their insti-" tution: And since it was commonly said, that several of those " places were not serviceable to God or the commonwealth, be-" cause neither the exercises of piety and discipline were practised, " nor the estates possessed by men in a condition to defend their " country: Therefore, if those houses were some of them turned " into bishoprics, it would be a seasonable provision for the " church, and prove a very commendable alteration." He in-treats Egbert "to use his interest with king Ceolwlph to reverse " the charters of former kings, for the purposes above mentioned, " as it had sometimes happened the piety of princes was over " lavish, and directed amiss." He complains farther, "That " the monasteries were frequently filled with people of unsuitable " practices; that the country seemed overstocked with those " foundations; that there were scarce estates enow left for the " laity of condition; and that if this humour increased, the coun-" try would become unfurnished of troops to defend their fron-" tiers." He adds, "That several persons of quality amongst " the laity, who had neither choice or experience of a monastic " life, used to purchase crown-lands, under pretence of founding " a monastery, and then obtain a charter of privileges, signed by " the king, the bishops, and other great men in church and state; " by these expedients working together a great estate, and ma-" king themselves lords of several villages; and thus getting them-" selves discharged from the services of the common-wealth, they " retired for liberty and ease, took the range of their fancy, as-" sumed the character of abbots, and governed a race of monks, " without any just pretence to such authority: And, what was " still more irregular, they, in some instances, had not stocked " those places with persons properly denominated by the title of " religious, but raked together a society of strolling monks, ex-" pelled other convents for their misbehaviour; and, in other " instances, they had persuaded their own retinue to take the

"tonsure and promise a monastic obedience: And, having fur-
"nished their religious houses with such ill-chosen company, they
"lived a life perfectly secular, under a monastic character; bring-
"ing their wives into the monasteries, and were husbands and
"abbots at the same time. That, for about thirty years after the
"death of king Alcfrid, the country had run riot in this manner;
"insomuch, that there were very few of the lord-lieutenants, or
"governors of towns, who had not seized the religious jurisdic-
"tion of some monastery, and put their ladies in the same pre-
"dicament of guilt, by making them abbesses, without passing
"through the stages of discipline and retirement that ought to
"qualify them for it. And, as ill customs are apt to spread,
"the king's menial servants had taken up the same fashion. And
"thus we find a great many inconsistent offices and titles became
"incorporated. The same persons were abbots and ministers
"of state; and the court and cloister were unsuitably tacked
"together." To stop the growth of this disorder, Bede advises
"the convening of a synod; that a visitation might be begun,
"and all such unqualified persons thrown out of the usurpation."
He reminds the bishop, "That it is part of the episcopal office to
"inspect the monasteries of his diocese; to reform whatever is
"erroneous, both in the principals and inferiors, and not to suf-
"fer a breach of the rules of the institution. It is your province,"
says he, "to take care that the devil gains no ascendency in pla-
"ces consecrated to God; that we may not have discord instead
"of tranquillity; and libertinism for sobriety." Collier observes,
"The satire and declamation in this epistle, shews the pious zeal
"and integrity of the author; who, notwithstanding he was bred
"a monk, wrote this letter in a monastery, and had so great a
"veneration for the institution, yet was so impartial as not to
"dissemble the miscarriages that crept into the state."*

The reader will pardon this digression, as it has such pointed reference to several of those religious institutions, to which, in the course of this work, particular attention must be given. This letter also shews, it was an establishment of the earliest church, that the discipline and reformation of monasteries belonged not to the secular jurisdiction, but to the bishop of the diocese only, unless the monks were guilty of a crime against the state.

About this time the Saxons were grown so intolerably licentious, giving themselves up to luxury and intemperance, that they were the objects of the most severe spiritual reprehension. It seems their dissolute manners were such, as rendered them contemptible

* Bede—Ep. ad Egbert, p. 261. 263.—Collier.——Bede wrote the above letter in the year 735 or 736, in which latter he died. He was much indisposed when he wrote it, and never recovered, or he would have visited the bishop to enforce his request.

in foreign countries. Boniface, archbishop of Mentz, wrote a letter of remonstrance to this country, charging one of the Saxon sovereigns with want of sobriety, and a total relaxation of virtuous conduct; that he lived unmarried, and in a state of incontinence, having transgressed all religious principles so far as to be guilty of ravishing the nuns; from which pernicious example, society was injured, and the name of Christianity brought into reproach. The Heathens, he observed, restrained themselves from such heinous offences, and regarded the marriage-vow with the most sacred reverence. Amongst the old Saxons, if a maid lost her virtue, and dishonoured her family, or a married woman was convicted of adultery, they forced them to be their own executioners, and strangle themselves, to wipe out the disgrace and ignominy; and, as an horrid example, their bodies were burnt to ashes; and the man who seduced them was hung over the smoaking remains. From such pernicious examples as prevailed at the time of this pious prelate's letter, he avowed that vice would grow into enormity, and become an entail on future ages; that posterity would catch the infection, and wickedness grow universal, by which the people would be sunk to the last degree of depravity and wretchedness; devoid of conscience, honour, and courage, they would become traitors at home, and cowards in the field, and, in the end, despicable to God and man; a striking example of which was then exhibited in the Spaniards and Burgundians. Such was the spirit of this pious remonstrance.

The depravity censured by the good bishop did not escape the female sex; for, in Boniface's letter to Cuthbert, archbishop of Canterbury, there is an account of the dissolute life of some of the women of this age, "who used to travel upon pretence of "religion, and go in pilgrimage to Rome: To prevent which, "he insisted the church and state ought to forbid all women that "had taken the veil from strolling into foreign countries; averring that the greatest part of these travellers made a miserable "voyage, and left their honour in their pilgrimage; there being "few cities, either in Lombardy or France, in which some of "those English prostitutes were not to be met with; which is a "shame and scandal," says he, "to your whole church."*

So much it was necessary to observe, from these great authorities in church-history, at this period, when it appears the infatuation for religious profession prevailed so greatly with both sexes in Northumberland. But to return to Ceolwlph.

Ethelbald, the king of Mercia, observing the unhappy condition of the neighbouring empire, determined to make his advantage

* Boniface's letters.

of it, and with a powerful army entered Northumberland. He ravaged the borders, sacked and laid waste their cities, and, loaden with spoils, returned in triumph; whilst the Northumbrians, as idle spectators, disregarded the wreck of empire; many of them, being infatuated zealots, received their afflictions as the discipline and scourge of Heaven, esteeming them salutary mortifications, wherein they should find spiritual comfort. Anarchy and confusion took place, and the state was hastening to dissolution, when the king, in a phrenzy of zeal, after having reigned eight years, abdicated the throne, and offered his crown at the high altar in the church of Lindisfarne, where he assumed the cowl in 738.* Before his abdication, he granted an exemption and immunity, to all the churches and religious houses within his realm, from all public taxes, works, and burdens, except only the building of castles and bridges.† He brought great revenues to the church, and granted in perpetuity a large territory of land, the express boundaries of which some of the monastic writers have preserved; but, from the changes of names, and the destruction even of cities, specified therein, the line cannot now be ascertained. They are thus mentioned; "Brainshaw and Warkworth, with the "church which he had built there: Also four villas, called "Wudcester, Hwitingham, Eadulfingham, and Egwulfingham."‡ Of the before-mentioned gift, the following are the bounds: *Ab aquâ vocatur Luia, usq ad Cocwuda, & inde usque at civitatem que vocatur Brincewell, & a Cocwuda usque ad Hafodscelfe versus orientem, & ab Alna usque ad dimidiam viam inter Cocwuda & Alna.*‖ If this royal monk carried with him riches to the monastery, he also carried innovations to that strict discipline for which it had been famed from its foundation, and which, once relaxed, gave pretence for others of a more dangerous nature. We are told he procured an improvement in the living of the monks, gaining the use of ale and wine, in the room of water and milk, which were the only liquors they were permitted to have, under the rules instituted by Aidan, their founder.¶

Not having any issue, Ceolwlph is said to have bequeathed his sceptre to his cousin-german Edbert, the son of Eata, who succeeded him. Entering into a spiritual life might at that time have been esteemed an extinction of temporal rights. But by what authority a Saxon king could dispose of his kingdom, is not easy to ascertain.

EDBERT

ascended the throne in 737, when the realm was in the most re-

* Bede—Malms.—Symeon—&c.

† Malms.—Lel. Col. v. i. p. 140. ‡ Lel. Col. v. i. p. 528.—Symeon Dunelm. p. 79.

‖ Lel. Itin. v. vi. p. 35. ¶ Hoveden—Bede—Con.

laxed and impotent state: All the neighbouring powers were committing continual depredations on his subjects, who, like men of disturbed reason, bowed their simple heads to every affliction, and put their hands in their bosoms, void of self-defence, the tributary states declaring for freedom and independence. His coronation was immediately followed by an invasion of the Picts on the northern frontiers. Obliged to march with all possible expedition to oppose them, the Mercians took advantage of the circumstance, entered the southern parts of Northumberland, and carried off a large booty.

How difficult a task it was to rouse the lethargic zealots from their fascination, and drive them to arms, may easily be conceived. At length Edbert disciplined and led forth a powerful army, and, with great military prowess, brought the malcontents to their duty, subdued the Picts and Britons who were in arms, and beat back the Mercians.*

Our bishop, of whom we have few memorials, departed this life at Lindisfarne, in the year 740, and was succeeded by

CYNEWOLF,

who was elected the same year.

Two years after his consecration, the royal monk Ceolwlph departed this life at Lindisfarne. He was interred there, but afterwards his remains were removed to Norham; and, finally, his head rested in the same cenotaph with St Cuthbert at Durham.†

About the time that Cynewolf was consecrated to this episcopacy, Acca, bishop of Hexham, died; a man spoken of by historians with great veneration, for his piety and godly works.‡

Our prelate suffered great distresses during his episcopacy; at first, by falling under the king's displeasure: and afterwards, by the distraction of the state. Edbert accused him of being accessary to the death of Offa, a person of the royal line, who took refuge in the church of Lindisfarne.‖ Some authors say, his refusing to deliver up the assassin, gave the suspicion of his being privy to the crime. The bishop was imprisoned at Bebbanburg, where he remained in close durance a considerable time before he made his peace with the king, and was restored. Higbald bishop of Hexham, officiated in the See of Lindisfarne during Cynewolf's captivity.

Two things are remarkable in this event; the first, that of Offa's taking refuge at the tomb of St Cuthbert. This is the first instance of sanctuary we meet with in the history of this church;

* Malms. l. i. c. 3.—Hen. Hunt. l. iv.—Rapin, &c.
† Hoveden—Lel. Col. v. iii. ii. p. 371. ‡ Ibid.
‖ Lel. Col. v. ii. p. 371.—Symeon Dunelm. p. 81. 82.

and we do not find that it was a privilege granted by any sovereign, but merely arose from the sanctity and veneration in which the saint's remains were held. The privilege of sanctuary has been exclaimed against with great virulence, as being an extension of ecclesiastical jurisdiction inconsistent with true policy. It had good consequences in those days, as it allowed the criminal time for making restitution, or, under the Saxon laws, he must have suffered immediate pains and punishments: It was the process by which the rigour of common law was moderated, and, when kept in due restraint, was of great benefit to mankind: But, by an enormous extension which took place, it produced infinite mischiefs to the community.

The other remarkable matter was, the imprisonment of a bishop, and the exertion of regal power therein against the church, without a convention.

Edbert, in the 18th year of his reign, entered into a league with the King of the Picts, and, with their united forces, they laid siege to the city of Alcluyth, afterwards called Dunbarton, which, in Alcfrid's reign, had been wrested from the realm by the Welch. On the 1st of August, the Britons, who held the place, unable to oppose such powerful assailants, surrendered it; and Deovania, who headed a Welch reinforcement, which was coming up to relieve the garrison, was intercepted, and the greatest part of his troops put to the sword. Edbert was a prince of eminent talents, and high reputation. Pepin, king of France, his cotemporary, is said to have kept up a correspondence with him, and cultivated his friendship by many royal presents. In the twenty-first year of his reign when he had restored peace to his kingdom, when his days were full of honour,—when his fame had passed abroad through many nations,—at a time he possessed his people's highest veneration and love, and his crown was adorned with the brightest gems of virtue and illustrious actions, he was seized with the religious infatuation of the age, abdicated the throne, and retired to a monastery in York, leaving his sceptre to his son. In this retreat he lived ten years, enjoying, until the time of his death, the daily intercourse and spiritual converse of Egbert his brother, bishop of York, who departed this life some short time after the royal recluse. Edbert was interred in the cathedral church, and in the same porch the pious bishop was also buried.*

* Egbert, being a prelate of an exalted mind, suited to his high birth ,obtained from Rome the archiepiscopal pall, A. D. 736, which none of his predecessors had possessed since Paulinus. He was an eminent scholar, and, for the advancement of learning, erected at York a noble library, in imitation of what archbishop Theodore had done at Canterbury in the preceding century.——*Stubbs.*

OSWULF,

Edbert's only son, ascended the throne in the year 759, upon his father's abdication. He did not reign one year, being slain by a domestic at a place called Micklewoughton. From the authotity of the Scala Chronica, it appears he died by the procurement of his mother. The reason for this unhuppy exit is not noticed by historians. On this fatal event,

MOLLO-ETHELWALD

seized the sceptre, a man of noble birth, but not of the royal line. His accession was the occasion of a melancholy series of calamities to Northumberland, and proved in the end the destruction of the kingdom. A person not of the royal lineage being supported on the throne, was a precedent for all the great men to aspire to the government, as they adopted an idea, they were as well entitled to the crown, from natural right, as the princes of the blood, the sovereignty being elective in the people. Hence arose those factions that ended at last in the entire loss of the public liberty; and from such examples was at length deduced the salutary maxim of the crown's passing in descent, reserving in the people the power of deposing a vicious prince. Some of the nobles who were not of Mollo's interest, as he assumed the diadem by means of a powerful party, thought it allowable for them to make the like attempt. Oswine headed a dangerous faction; he was of a noble birth, but not descended of kings; and possessing the affections of some partizans, who were discontent with Mollo's reign, took the field. This insurrection obliged Mollo, with all expedition, to levy an army, and a decisive battle was soon after fought at a place called Edwin's-clive. Other authors say it was at Eldune, near Melros,* in which Oswine was slain, and his troops routed. After this event, Mollo reigned for some time in peace, till he fell by assassination. Alured, or Alcred, a nobleman of great power, descended, in the fifth degree, from Ida, by Alaric, one of his natural sons, highly dissatisfied with Mollo's being raised to the throne, in preference of the royal line, determined to put him to death, as the means of opening his own passage to royalty, to which he aspired in right of his ancestors.

* There are many lines on the Eldune, or Helton Hills, as they are vulgarly called, and a fortified camp on the crown of one of them. Eldune is the name of a village, and of the three remarkable hills just above it, to the west. Eldun, Aldyn, Hieldun, Halydon, Yeldun, all mean the same village, or the hills hard by it; the latter giving name to the village, rather than the village giving name to the hills. Symeon does not speak of Eldun as being then without the bounds of the Northumbrian kingdom. The Melros Chronicle places this victory in 760, and says that Unust, King of the Picts, died the same year.

Mollo-Ethelwald was slain in the year 770, leaving one son, Ethelred; but he was succeeded by

ALURED, OR ALCRED,

who, for about ten years, sat uneasily on a throne purchased by blood. Mollo's party were struck with a panic on his death, and, for some time, sat still under this new usurpation; but at length, the spirit of faction reviving, and their party increasing, the realm was ripe for revolt, and nothing but arms became the cry of the people; when Alured, deserted by his partizans, whom in so distracted a state he could not serve, or even protect, to avoid a threatening death, during the festival of Easter, abandoned York, and for a while shut himself up in the fortress of Bebbanburg, and afterwards fled for protection to the king of the Picts.*—On this desertion, Mollo's party placed his son

ETHELRED

on the throne. A multitude of factions rent the state, even from the hour of his accession, either from the interests of those of royal descent, ambitious nobles, anxious for royalty, or from the morose disposition Ethelred displayed in his first maxims of government. Perhaps all these operated to stir up the succeeding rebellions. Rapin says of Ethelred, that he judged the best way to fix himself on the throne, was by the death or banishment of the heads of the contrary party. Accordingly, three of the principal opposers of his election were put to death, for forged or slight crimes. But this method, instead of having the expected effect, served only to hasten on the plots of his enemies, whom the death of three innocent lords† served as a pretext for taking up arms. The king, sending his best troops against them, under the command of a general entirely devoted to his service, hoped he should speedily reduce them to obedience. But his army was overthrown by the malcontents, at a place called King's-Cliff, and his general slain. In a second engagement, at a place called Holy Thorn, his troops were overcome and dispersed. This threw the king into such a perilous situation, that he thought it expedient to save himself by flight, and seek refuge in some of the neighbouring states.

* A. D. 784. Bebbanburg is thus described:—"Bebba vero civitas urbs est munitissima, non admodum magna, sed quasi duorum vel trium agrorum spatium habens unum introitum cavatum, & gradibus miro modo exaltatum. Habet in summitate montis ecclesiam perpulchre factam, in qua est scrinium pretiosum in quo involuta Pallio, jacet dextra manus Si. Oswaldi regis incorrupta, sicut narrat Beda historiagraphus hujus gentis. Est in occidente et in summitate ipsius civitatis fons miro cavatus opere, dulcis ad potandum, & purissimus ad videndum."——Ex Historia Rog. Hoveduni.

† Adwulf, Kinwulf, Ecca.

Edelbald and Herebert, two noblemen of great influence, headed those factions, and now perceiving no obstacle remained to frustrate their purpose, proceeded to place

ALFWOLD,

the brother of Alured, on the throne.*

Our good old bishop having filled the See for near forty years, the kingdom distracted with contrary factions, and the state hastening to anarchy and dissolution, in the latter twenty years having seen five sovereigns mount the throne of Northumberland, exhausted with age and affliction, resigned the bishopric; and, about three years after, died in retirement, A. D. 783, having spent the last days of his life in acts of the strictest piety and devotion.†

We do not see Cynewolf's name among the bishops at the synod held near Rochester, A. D. 747, or Egbert's, archbishop of York. The reason of their being absent might possibly be, because they lived in a kingdom independent of that of the Mercians, and the king might not be willing to trust his subjects at a public meeting under a foreign prince.‡

Osulf being king, Pope Adrian sent Gregory bishop of Ostia, and Theophilact bishop of Todi, as legates to assist at the synod of Calcuith, as Sir Henry Spelman says, A. D. 787. One of the legates travelled into the kingdom of Northumberland, and was present at a meeting of all the great men of that territory, both clergy and laity, when certain orders were agreed to for the discipline and reformation of manners. The laws of each age point out the vices which then prevailed, by the restriction they provided. The third order enjoins the bishop, in his visitation, to pronounce the censure of excommunication against all persons accused of incest, divination, witchcraft, and sacrilege. The tenth forbids the clergy to perform divine service without stockings; and that the chalice and patten be not made of horn. This gives us but a mean idea of church magnificence in that age. The twelfth declares against admitting persons of illegitimate birth to the crown; urges submission and obedience to rulers; and, with great spiritual detestation, pronounces against conspiracies, rebellion, and acts of violence, against the king. The

* Then this Alcfrede reignid a X yeres, and, after driven away for his ill ruleing, the people chose for their king Ethelred, sunne to Molle-Ethelwald, and after he had reignid 4 yeres, he was dryven away by his barons, that did chuse Alfwold to their kinge, that was traiterusly slayne of a great man, and byried at Hexham, after he had reignid 11 yeres.——Scala Chron. lib. ii.

† Angl. Sacra—Lel. Col. v. i. p. 328.

‡ Collier.

thirteenth charges ministers of justice to act uprightly, and not to take reward against the innocent. The fourteenth, to avoid fraud, violence, and laying unjust impositions upon the church. By the sixteenth, illegitimate issue, and particularly the children of nuns, are made incapable of inheriting. The seventeenth urges the payment of tithes, from the Mosaic law, and the doctrine of the Old Testament; and observes, that those who refuse to offer the tenth part to God Almighty, are often times reduced to poverty. By the nineteenth, all Heathenish customs are to be abolished; particularly, the people are forbidden to deform their bodies by any superstious marks or scars, after the Pagan manner. These canons were first read in the Northumbrian synod, where, after they had been subscribed to by the king, the bishops, temporal nobility, and inferior clergy of that province, they were brought by the legates to the synod of Calcuith, and there ratified by the king, the archbishop of Canterbury, and all parties present.*——The See did not remain vacant any considerable time,

HIGBALD

being elected thereto, whose episcopacy was attended with various troubles and calamities, not only from an unsettled state, but from foreign foes. Alfwold, who had assumed the diadem, was of an excellent disposition, and so far from presuming to act oppressively, in consequence of the power by which he was supported, he tempered his government with the utmost justice and mercy. So unhappy were the consequences of removing the diadem from the royal line, and its being disposed of to the nobility, that faction was cherished in the hearts of most of the Northumbrians from the time those unpropitious changes took place. New and various interests arose among the people, and ambitious projects fired the mind of every nobleman, who possessed any degree of popularity; so that, in every district, whatever prince ruled, some peculiar dissatisfaction breathed, and the spirit of rebellion had its sundry haunts. The nobility pretended they received a public affront by the exaltation of Alfwold, which disparaged their better merits, and opposed their equal right to the sceptre. The excellencies and virtues of the king were totally disregarded; they aggravated rather than served to conciliate the turbulent minds of the nobility. At length the people appeared in open rebellion, and a conspiracy was formed against the king's life. Alfwold had reigned about ten years, when he was treacherously slain by a nobleman called Siga, a chief of the conspirators, and one whom he retained about his person. This crime

* Collier.

was perpetrated at a place called Scytlecester, or Cilchester, near the wall of Severus, in the month of September, A. D. 788, and the royal remains were interred at Hexham.* He left two sons, Celf, and Celfwin, whose tragical fate is noticed in its place.

It does not appear that any one ascended the throne of Northumberland until the year 791, when the prevailing party placed the crown on the head of

OSRED

son of Alured. His reign was short: The same giddy multitude to whom he owed his diadem, deprived him of it in less than a year. He was so unfit to rule, and appeared so contemptible, even in the eyes of his friends, in the affairs of government, that the people deposed him, and, as some say, by constraint shaved him for a monk, and thrust him into a monastery at York. Others say he fled to conceal his disgrace, and sought security in some foreign country.† This deposition was much attributed to Ethelred's party, who, having become very powerful, effected his restoration, after twelve years exile.‡

ETHELRED,

in his malevolent disposition, retained the darkest principles of revenge; and, when he thought himself secure on the throne, began to exercise the utmost severity on those who had appeared against him whilst he formerly held the sceptre, and them, with their adherents, on various pretences, he ensnared and put to death. The sons of Alfwold having repaired to York, where they thought themselves safe from violence or treachery, were regarded with an eye of jealousy, lest, in some future day, they should lay claim to their father's diadem. By an artful address, and promises of employment in the state, he seduced them from their place of security; and, as they travelled northward, procured their assassination, near to Win-wandermere.‖ His hands were stained with blood, and his heart hardened with iniquity. By a practised policy, and various devices, he ensnared the unfortunate Osred, who, it is said, retired from the monastery into which he had been driven, and became a voluntary exile in some foreign part, Symeon says, in the isle of Man. Being invited from thence by some of his party, under assurance of support, and afterwards deserted, he was taken by Ethelred under accusation of disturbing the realm, and put to death at a place called Cunburg. Now

* Symeon Dunelm. p. 85.—Hoveden—Chron. Sax.—H. Hunt.—Rapin, &c.
† J. Redbourne—Chron. Sax.—Hoveden. ‡ Symeon Dunelm. p. 86.—Hen. Hunt.
‖ Now Winandermere, or Windermere.

trusting that every object was removed which could disturb his government, he thought it would strengthen his authority to make an alliance with Offa king of Mercia. To this end, without any real cause of offence, he divorced his queen, and married Elfled, Offa's daughter.*

During Higbald's episcopacy, and in the fifth year of Ethelred's reign, after his restoration, the Danes, and other roving barbarians from the north, made a descent upon the English coast, and entering Lindisfarne, not only seized the cattle but also destroyed the monastery, pillaged the church, and inhumanly butchered many of the inhabitants, among whom were several of the ecclesiastics. The Heathen invaders rejoiced in defiling the sacred things, overturning the altars, and spoiling the hallowed shrines of their relics and ornaments. In the following year, they practised the same acts of cruelty and rapine on the monastery of Jarrow: But vindictive providence soon overtook them; for Ethelred, with the assistance of his father-in-law, Offa king of Mercia, on this second descent, drove them back with great slaughter, and their leader falling into the hands of the English, was put to torture and a lingering death. A storm arising as the invaders were making sail from Tynemouth, loaded with spoils, dispersed and shattered their fleet, and a great part of it was wrecked. The inhabitants of the coast destroyed multitudes of the miserable wretches who escaped the sea.†

The Danes, whilst they were making their horrid spoil in the sacred places of Lindisfarne, were ignorant of the chief treasure of the religious body there; the precious remains from whence such future wealth and honour was to be derived, the incorruptible body of St Cuthbert, which slept undisturbed; and to which, after the enemy had quitted the coast, the bishop, and surviving monks, who fled from the cruelty of the barbarians, returned; and, with religious zeal, they instantly set about to repair the damage the sacred edifices had sustained.‡

Ethelred's tyranny and vices were odious, and all his subjects groaned under their oppressions: At length, attempting to send Ardulf, one of the principal lords of the country, into exile, together with the enormity of his other crimes, which called aloud for redress, roused the people, who could no longer support their afflictions: Cabals and insurrections were discovered in every quarter of the kingdom, which at length ripened into a general revolt. The civil war which succeeded having harrassed the country for two years, and not yet promising a speedy issue, the malcontents found means to have the king assassinated on the

* Hoveden—Leland. † Leland. ‡ Symeon Dunelm, p. 86.

18th day of April, A. D. 795, at Cobre, (Corbridge,) he having reigned near four years after his restoration.*

Most of the bishops and temporal lords, being shocked at such repeated crimes of treason and rebellion, quitted the country. Alcuinus reports, that Charles the great of France, who was a friend of Ethelred, was highly offended with the disloyalty of the Northumbrians, branded them with the character of perfidious regicides, declared them worse than Heathens, and, had he not been softened by the intercession of Alcuinus, was resolved to revenge the quarrel of their princes, and make war upon them with a vengeance that threatened their utter destruction.†

A. D. 796. The parties who had effected the destruction of Ethelred were so powerful as to place

OSBALD,

a creature of their own, upon the throne. Full of rejoicing at the proclamation of their new king, they were unsuspicious of the power and practices of their adversaries, who concerted their measures so well, that he was deposed, after the short enjoyment of royalty for twenty-seven days,‡ and placed

ARDULF

on the throne.———Higbald,‖ having experienced so many sorrows, from the grief of having beheld the warfare and distraction of the people, the coronation, deposition, and death, of several usurpers, the anarchy of the province, and, added to these evils, having beheld the church and monastery of Lindisfarne spoiled and laid waste, and many of his brethren slain as they grasped the altars of his church, in the twenty-second year of his episcopacy, and on the 25th of May 803, departed this life.§

During the latter part of Higbald's life, a synod was held at Finchale¶ in the kingdom of Northumberland, composed of the principal clergy and laity; the design of which was to enforce the regulation of discipline and manners to the old standard, and to revive several constitutions relative to church and state, which, from the distraction of public affairs, were neglected, and grown into disuse. At this assembly, archbishop Eanbald was present. The next successor to the See of Lindisfarne was

* Hen. Hunting.

† Malms.—Collier, &c. ‡ Hoveden—Lel. Col. v. iii. ‖ Angl. Sacra.

§ Lel. Col. v. i. p. 328.—Scala Chron. lib. ii.

¶ A. D. 1288. Hoc anno synodus coacta est in Northymbrorum terra apud Pincanhale 4 Non. Septembris. Hodie Finkley in agro Dunholmensi ad ripam orientalem fluminis Were.——Gibson's edit. of the Saxon Chronicle, p. 64.

EGBERT

consecrated by archbishop Eanbald, Eanbert and Badulf, two other bishops, being present at the ceremony, which was performed on the 3d day of June, at Bywell.

Ardulf possessed the throne, embroiled in civil war, faction and conspiracy. He held it by force of arms, and wielded a sceptre imbrued in blood. Alcred, though dead left a son, Alchmund, who came forth amidst the troubles of the state to claim his share in the confusion and distresses of the times, at once to revenge the disgraces of his father, and stretch forth his hand to gain his diadem. Alchmund, possessed of great popularity, was the head of a faction which threatened to give the king much trouble. Those circumstances induced Ardulf to devise his death, which he got effected, but not without suspicion of the part he had taken in it. By the death of Alchmund the ancient race of Northumbrian king was totally extinguished: The singular sanctity of his manners, and the treachery by which he fell, occasioned him to be looked upon as a martyr, and ranked among the saints.*

Ardulf, amidst all the troubles of his reign, shewed much intrepidity and spirit. He not only subdued Wada†, the chief of the conspirators, who killed Ethelred, in a pitched battle fought at Billingham, in which there was great slaughter, but also, on account of his enemies being protected by Kenulf king of Mercia, he levied a great army, and marched to attack that sovereign's territories, who prepared with equal alacrity to receive him. But when the armies were ready to engage, a reconciliation was effected by the interposition of the prelates and nobles of each nation, and a peace concluded, to continue during the lives of the kings.

The death of Alchmund still disturbed the minds of the people: The reflection, that in him they lost the last remains of the royal lineage, a race of princes under whom their state had its origin, and grew up to honour, aggravated their misfortunes. Their dissatisfaction, at length, broke out into a flame; they took up arms, and set Aldric at their head: But this general being vanquished, and falling in battle, the disconcerted malcontents dispersed themselves, and waited a more favourable opportunity to pursue their vengeance. It was not long before the hour arrived; the party increased rapidly; the murmurs against the king's cruelty prevailed, and contaminated the minds of many, who were originally in his interest, but who now forsook their allegiance. The clamour at length grew so general, that the king was glad to conceal himself from the fury which raged against him, and escape pri-

* Symeon, p. 89.—Lel. Col. v. iii. † Lel. Col.

vily to the court of Charles the Great, where he had a secure asylum.*

ALFWALD,

who was then the favourite of the people, assumed the precarious diadem, defiled with usurpation, tyranny, and debased blood. He reigned only two years, and historians say nothing of the events of that short period, which was closed by the death of this sovereign. His successor

ANDRED,

the son of Ardulf, is as little noticed by the writers of antiquity, otherwise than that during his reign the great event took place which totally dissolved the heptarchy, and united its several kingdoms under the crown of Egbert, who had reigned only over the West-Saxons.

Our prelate, of whom little is said by historians, held the See, amidst the confusion and broils before related, for near eighteen years, and departed this life in the year 821.†

HEATHURED

succeeded to the See, during whose prelacy the great event before mentioned, the accession of Northumberland to the crown of Egbert, took place.

This material revolution claims the reader's attention to a short digression, in order that he may proceed regularly to the time when the crown of Northumberland was degraded, and worn by a viceroy.

Egbert, son of Alchmund, descended from Esa, Eoppa, Inigisil, Cemed, who was the fourth from Ceaulin, was become very popular in Wessex, during the reign of Brithric, who growing jealous of his rising merit, determined to remove him. Egbert, gaining information of the snares laid for him, fled into Mercia,

* Eardulf was the son of a great noble, or general, of the same name, who had been put to death by the orders of K. Ethelred, in 792. His son, now made king, was recalled from exile, and was the first Saxon king, and the only one, so far as appears in the heptarchy, who was consecrated by the ceremony of unction, which he received in the cathedral of York from the hands of archbishop Eanbald, assisted by Higbald, Ethelbald, and Budowulf, bishops of Lindisfarne, Hexham, and Whitheru.——Gest. R. R. Ang. A. D. 796.—Chr. Sax.—Ridpath, p. 36.

Ardulf reg. annis 12, & a suis fugatus est a regno suo. Postea Northanhumbrin apparet insania nequitiæ præoccupati aliquantisper sine rege fuerunt, et Ecbrighto regi concordati sunt.——H. Hunt.

† Ecgbertus in Higbaldi locum electus, ab Eanbaldo archiepiscopo Ebor. Eanberto Hagustaldensi & Baldulfo Wittemensi episcopis consecratus est apud Bigwell 803, 11. Junii. Sedit annis 18. Obiit itaque 821, quamvis Florentius 819. reponat. ——Wharton's Angl. Sacra.—Lel. Col. v. i. fo. 328. v. ii. 371.

At Ecgberto peractis in episcopatu decem et octo annis defuncto, Heathured successit, et in officio regiminis novem annos transegit.—Sym. Dunelm. p. 89.

and from thence to France, where he remained twelve years, attending to those studies which might not only polish and adorn his mind, but also accomplish him in the knowledge of the true interests of the nations of Europe, of the interior wealth of states of civil polity, and those maxims and laws which would render a growing people powerful, rich and happy. It is presumed by several authors, that, during this retreat, he formed the project of uniting the states of the heptarchy. In the year 799, Brithric was poisoned by his queen Edburga, which catastrophe accelerated Egbert's accession to the throne. His first attention was to train, arm, and discipline his troops, after the mode and military art he had seen practised in France, and of which he had acquired a perfect knowledge.* When he had thus not only brought his subjects into a new array and discipline, but also thereby fully discovered the strength of his kingdom, he began to arrange what was necessary for the execution of his project. He travelled through the different districts of his dominions, inspected and settled all matters relative to government and civil polity, relieved the oppressed, punished the officers in the several departments of civil jurisdiction who had transgressed the laws, and harrassed the subject; cherished the church; and, by every wise method his prudence devised, he endeavoured to gain the love and confidence of his people.

He covered his designs with such discreet policy, that they were not discovered even in the progress of their execution. He struck his first blow against the Britons of Cornwall, and added their country to his crown. He subdued one of the dominions of Wales, that country being then severed into three principalities.† Soon after these transactions were ended, the king of Mercia died. The heptarchy stood at that time reduced to five kingdoms, of which Egbert reigned over the most powerful; in the remaining four, confusion and anarchy prevailed; the ancient race of monarchs were become extinct, and the contending nobles struggling for royalty.

When Egbert was on the eve of carrying his designs into more public execution, the new king of Mercia, jealous of his preparations for war, marched with a large army towards Salisbury, where a battle was fought with great slaughter on both sides; but the victory was Egbert's, and the Mercians, by so severe an overthrow, were not able, for a considerable time afterwards, to make a stand against the conqueror, or oppose his future measures. Egbert was sensible of the great advantages he should derive from being master of the river Thames; and that it was

* Higden, 251.—Malms.

† Higden (p. 252.) says he also took Chester from them.

necessary for him to make his progress against Kent, which he soon subdued, Baldred, the king, flying into Mercia. In a little time afterwards, he made himself master of Essex; and, in the next place, was successful in fomenting a quarrel between the East-Angles and Mercians, upon which a revolt took place, the East-Angles disowned their subjection, and the armies of the two states came to an engagement, in which Bernulph, the Mercian king, was slain, and his forces routed. The powerful state of Mercia thus divided and weakened, gave a proper opportunity to Egbert to declare himself an adversary; and, after several successful battles, he overcame and reduced it to a tributary state. After this event the East-Angles voluntarily submitted themselves on the same terms with the Mercians, and Northumberland alone remained unreduced.*

This northern province was not able to withstand so powerful an adversary. As soon as Egbert passed the Humber, and advanced with his army to Dore in Yorkshire, the Northumbrians submitted to him, and their sovereign became his dependent and tributary.† Rapin says, "Mercia, East-Anglia, and Northumberland, still preserved a shadow of liberty; but very probably "Egbert would not have suffered other kings to be elected after "the death of those who were on the throne at the time of the "subjection of those states, if the Danes, who shortly after began "their invasions of his kingdom, had given him time to take "other measures."

The government of the heptarchy, reckoning from the time of founding the kingdom of Mercia, held 243 years; but if the time spent by the Saxons in their conquests be added, from the arrival of Hengist to that of Crida, the heptarchy will be found to have lasted 378 years, from its beginning to its dissolution.‡

This great revolution in Northumberland took place in the year 827 or 828,‖ about the twentieth year of the reign of Eanred, and the seventh of Heathured's prelacy. We do not hear that any material change took place, in the affairs of the church; but the privileges and possessions of the religious in this district remained uninfringed.

From this period the chronology of the kings of Northumberland is rather confused and uncertain: And, by reason of Eg-

* Malms.—Ingulph.—Sax. Ann. † Chron. Sax.—Carte, v. i. p. 286.

‡ Anno ab incarnat Di. 800 Egbertus rex Westsax: univit regno suo regna Merc. Cantiorum & Northumbr. Cepitque Legecestriam, quæ et urbs Legionum dicitur, super Britonis, usque tunc a Britonibus possessam. Deinde convocatis proceribus suis apud Winton. coronatus est rex totius Briton. ubi edictum fecit, ut ab illo die omnes Saxones & Jutæ vocarentur Angli, & insula vocaretur Anglia.——Lel. Col. v. ii fo. 371.

‖ Malms.

bert's sovereignty over all the states of the heptarchy, and the province of Northumberland having become dependent, the connection in the history of the church of Lindisfarne and the state, is thenceforth much disunited.

Heathured,* after presiding over the church of Lindisfarne for nine years, departed this life, and was succeeded by Egred, as some authors write his name, or rather

EGFRID,

a person of noble birth, possessed of an enlarged mind, and strenuous in good works. He brought with him great possessions to the church. From his private fortune he built, and gave to the See for ever, the church of Norham, which he dedicated to St Peter, St Cuthbert, and St Ceolwlf; and thither he caused the royal remains to be translated, which, from Ceolwlf's death, had rested in Lindisfarne. He gave Jedword to the church, and also the church and village which he had built at Gainford; together with the rest of his possessions between Tyne and Tees. He also gave thereto his estates at Clyff and† Wycliff, on the southern banks of Tees, and Billingham in Heortness.

During this prelate's episcopacy, Eanred, the tributary king of Northumberland, died; and Ethelred, his son, succeeded him.‡

About this time happened a most memorable revolution in the neighbouring states of the Scots and Picts, the former of whom possessed the western parts of the country now called Scotland, and the Picts the eastern. Through the intimate connection which had taken place for ages between these people, several intermarriages had happened with those of royal blood; and from thence arose a deadly feud between the two nations. Dungal, king of the Scots, by reason of an affinity derived from thence, laid claim to the Pictish crown, as heir of their deceased sovereign. The Picts refused to listen to his pretensions, regarding such an union as derogatory to their honour, and tending to deprive them of privileges which their ancestors purchased and established by their valour, and elected a new sovereign of the royal race. A war ensued, in which Dungal lost his life, some assert by treachery, he falling into the hands of the Picts, who butchered him with inhuman cruelty. In the sequel, the Pictish king was slain, and his dominions conquered, by Kenneth, Dungal's son, who united the two states, and was the first monarch of all Scotland. It appears the Northumbrian Saxons gave refuge to the flying Picts, and assisted them in many struggles to regain their

* Symeon Dunelm. p. 89.

† Wyclif unde Wigclif hæreticus originem duxit.—Leland.

‡ Symeon Dunelm. p. 89.

country, which terminated only in the increase of Kenneth's power, and extension of his empire; for, in retaliation of the injuries he received from the Saxons, he carried his arms against their most northern territories, and deprived them of every possession which lay on the north of Tweed. From this period it appears the Tweed became the boundary between England and Scotland.* Higden, from the authority of Giraldus Cambriensis, says, that Kenneth gave six defeats to the Saxons, and subdued all the country from the Scottish sea to the Tweed. An ancient Chronicle in the Colbertin and king of France's library says, that Kenneth invaded Saxony six times, and burnt Dunbar and Melros.†

The miserable dissolution of the Pictish state is scarce to be parrelleled in history: Almost every memorial of its existence was destroyed, and the very language of the people lost for ever; Kenneth's rage and insatiable revenge for the death of his father being such, that nothing less than the extirpation of the whole race could appease him:‡ He spared neither age nor sex, and razed their cities to their foundations, passing the ploughshare over them, that every memorial of that people might be clean done out.

No historian hath given us information how far the war carried on by the Northumbrians, in aid of the Picts, was prosecuted with the approbation or knowledge of Egbert, though so great a diminution of the Northumbrian territory was the consequence. We may form two contrary, yet probable conjectures; either that Egbert acquiesced therein, as being jealous of Dungal and Kenneth's too great power, by the union of the kingdoms; or that the descents of the Danes, which harrassed him so much in the years 833 and 835, rendered the northern operations of little importance, during that emergency.

Some authors|| conceive at this period Berwick was first fortified, and made a stronghold and barrier against the Saxons, and an opposite defence to Bebbanburg, which still remained the chief fortress of the Northumbrian kingdom.

By our best historians it is said, the descents of the Danes, which harrassed Egbert so greatly, were all made on the southern parts of Britain; so that the kingdom of Northumberland does not appear to have been much affected, or the church of Lindisfarne at all disturbed: But, on the authority of the Scala Chronica, it appears, "In the 33 yere of Ecbright the Danis arrived "at Lindisfarne, and faught with the Engles at Carham, where

* Fordun—Higden—Hollingsh. † Inn. Crit. Essay, App. p. 783.
‡ Hollingsh. || Ridpath, &c.

"ii byshhopes and 2 English counties were slayne, and greate "numbre of people. Then reigned Ethelred; and about this "time the Danis did much hurte in Northumbreland." And, from Fordun, Ridpath says, "In the year that Kenneth, passing "the mountains of Drumalbin, destroyed the monarchy of the "Picts, these latter people are said to have been weakened by a "great overthrow they had received from the Danish pirates; "which overthrow paved the way to Kenneth's conquest." From thence it appears, that the Danes had made a descent on the Lothians, and marched up as far as Carham on the Tweed: But, had they come nearer Lindisfarne, Symeon and other authors, whose accuracy touching the events of that See may be best relied on, would not have been silent: And the words of the Scala Chronica may be construed to imply, that the Danes, on this incursion, disturbed the possessions of Lindisfarne; for, at that time, they extended north of Tweed.

Egbert, after a glorious reign, died in the year 838, and was succeeded by his son

ETHELWULPH,

as sovereign of the seven united states, to whom Ethelred, still reigning over Northumberland, did homage, as a depending prince, for his crown.

Our prelate, after presiding over this See for sixteen years, departed this life A. D. 845,* and was succeeded by

EANBERT,

whose episcopacy continued eight years.

Northumberland was in great commotion at the time this prelate was called to the See; for Ethelred, some few years after ascending the throne, was obliged to fly the country, threatened by one of the chief factions, which by turns had distracted that province, and now, become most powerful, had given the crown to Redwold their leader. The new king did not long enjoy his dignities; he fell in the field of battle, fighting with the ravaging Danes, who were constantly repeating their descents upon this island. On Redwold's death, Ethelred was recalled, and restored; but his renewed power was soon concluded; he was assassinated by the parties of a prevailing faction, who placed a lord called Osbert on the throne.

Ethelwulph king of England, distressed with the incessant toils of warfare, which the repeated visits from the northern rovers occasioned, resigned, to his natural son Athelstan, the districts of Essex, Sussex, and Kent, under the title of king of Kent, reserv-

* Angl. Sacra.

ing to himself the supreme sovereignty. But this division did not subsist long, the principalities being again united by the death of Athelstan.

It is not said how Osbert's usurpation was received by Ethelwulph, or whether he acknowledged him as his dependant. Soon after he assumed the diadem, our prelate departed this life, in the year 854; and was succeeded by*

EARDULPH,

during whose life various revolutions in the state, and distresses in this See, took place.

In the year succeeding this bishop's consecration, Ethelwulph became a zealot in religion, made a visit to Rome, and, returning by France, married Leothela,† a daughter of Charles, sovereign of that kingdom,‡ then only twelve years of age. Ethelbald, his son, had formed a conspiracy in his absence to depose him; and this new event conspired to strengthen the revolt. Appearances were so formidable against Ethelwulph on his landing in England, that he was induced to come to a compromise with his son's partizans, to resign the supreme sovereignty of all England, and content himself with the dependent crown of Kent. The old king did not survive this transaction above two years, he departing this life in the year of our Lord 857, having reigned twenty years. Ethelbert, his second son, succeeded him in the kingdom of Kent, bequeathed to him by his dying father;‖ but by what right the crown was thus disposed of, no author hath said: It is most probable he received the throne of Kent on compromise with his brother Ethelbald, who espoused his father's widow. This fact doth not appear so enormous, when we are told, by reason of her tender years, her former marriage was not consummated, she being left under the care of her father in France. He died in the year 860, and was succeeded by Ethelbert, in whom the crowns of Kent and Wessex were again united. He reigned but six years, and died in 866, and was succeeded by his brother Ethelred, the third son of Ethelwulph.

No material event appears to have taken place in the See of Lindisfarne during this period. But Ethelred had not long possessed his throne before the Danes, with increased multitudes,

* Eanbertus, aliis Egbertus, & Eadbertus, Ecgredo subrogalus, sedi Lindisfarnensi annis 8 præfuit. anno 854 e vita sublatus. Hosce tre sepiscopos inter Lindisfarnenses ab Hagustaldensibus distinctos ea ratione retuli; quod quamvis milli ipsorum tempore fuerint episcopi Hagustaldenses, ipsi tamen ditione sua contenti Hagustaldensem diocesin non attigerint. Primus omnium Eardulfus post extinctos Hagustaldenses episcopos, diocesis utriusque curam gessit.——Wharton's Ang. Sacra.

† Sax. Ann.—Rapin. ‡ Malms.

‖ Ealms.—Mat. West.

appeared upon the northern coasts. Osbert was in the 17th year of his reign, when the ravagers landed in Northumberland. It is evident their chief objects was plunder and rapine; but authors have been ingenious in devising other inducements for their invasion. By some a story is invented, and adopted by Rapin, that king Osbert, returning from hunting to his royal residence then at York, came to the castle of Bruern Brocard, a Northumbrian nobleman, in his absence, and being desirous of some refreshment, was most courteously received and entertained by his lady, of whom he became enamoured; and, in defiance of all the principles of humanity, hospitality, and justice, constrained her to receive his embraces. Bruern on his return being informed of the irreparable injury and disgrace he had received, went to court, attended by his kindred and dependents, and solemnly renounced his allegiance, and the lands he held of the king. Rapin's words are: "He had great interest with the Northumbrians, and this "base action of Osbert's was naturally apt to alienate the minds "of his subjects from him." Accordingly, by the management of the earl, the Bernicians in a little time revolted; and, looking upon Osbert as unwworthy to govern them, elected another king, whose name was Ælla, whom they placed on the throne, with a resolution to support him as sovereign of Bernicia. Thus the old divisions, which seemed to be quite extinguished, were kindled afresh, and Northumberland once more was divided between two kings and two factions, who, continually aiming at each other's destruction, were too successful in their endeavours. A civil war was the fatal consequence of this discord: The two kings frequently strove to decide their quarrel by arms; but the equality of their forces preventing the scale from preponderating on either side, each maintaining himself on his respective throne. The injured earl was yet dissatisfied with Osbert's losing only half of his dominions; his revenge was incomplete whilst his enemy reigned in Deira: But seeing it difficult to support his opposition longer without a foreign aid, he fatally resolved to sue for succours from the Danes. Taking his passage without delay, he fell at the feet of the king of Denmark, to whom, it is said, he was allied, relating his injuries in pathetic terms, and uttering his grief with a prevalent energy; at the same time he described how easy it was for the Danes to make themselves masters of the whole province of Northumberland, then distracted by factions; and represented the country as lying in a temperate clime, and of a fertile soil. The Danish monarch, moved, perhaps, as much by the hope of conquest, as the desire of doing his kinsman justice, fitted out a powerful fleet and army, under the command of two approved leader, Inguar and Hubba, said to be brothers.

Matthew of Westminster says, The principal view of this Danish expedition was against the dominions of Edmund, king of the East-Angles, who was falsely charged with putting to death the father of the Danish chieftains, who had been assassinated by an exiled traitor. Collier adopts the story in the following words:* "Lodebroch, a petty prince in Denmark, going a hawking in a "boat, and designing to put in to some little island near the "shore, where he expected game, was surprised by a sudden storm, "driven out to sea, and cast upon the English shore, near Yar- "mouth in Norfolk. Upon his arrival, he was seized, and brought "to Edmund's court, who was then king of the East-Angles. "The king was surprised with the oddness of his dress, and the "strangeness of his escape; and finding him an excellent sports- "man, was much pleased with his company. Bern, king Ed- "mund's chief falconer, perceiving himself out-done in his own "business by this stranger, resolved to get rid of him. To this "purpose he drew him into a wood, under pretence of shewing "sport, and barbarously murdered him. Upon this he goes "back to court, and seems to wonder what is become of the "Dane. Some few days after, Lodebroch's dog, being almost "starved, comes to the palace, and, being fed, goes away again. "The dog doing this several times, made the king's servants fol- "low him; and thus they were brought to a sight of the corpse. "In short, Bern was tried for the murder, and being found guil- "ty, was condemned to be put in Lodebroch's boat, and, with- "out either tackle or provision, he was committed to the mercy "of the seas. This Bern, who had the same good fortune in his "passage with Lodebroch, was carried to the Danish shore, "whence the other set out. The boat was immediately known; "Bern was apprehended, and being examined about Lodebroch, "told them, That he arrived upon the coast of the East-Angles, "and was put to death by king Edmund's order. This story "being believed, Inguar and Hubba, Lodebroch's sons, resolved "upon the revenge of their father's murder." The Danes pro- posed to land, Matthew of Westminster says, on the coasts of Edmund's kingdom; but, by contrary winds, being driven north- ward, arrived at Berwick upon Tweed. The convent of Cold- ingham having been restored, after a former conflagration, was then possessed, it is said, by nuns, under an abbess called Ebba, of royal descent. She, dreading the barbarities these invaders exercised in their former descent, on all ranks of religious, in an assembly of her nuns, representing the hazard their chastity was in, communicated a device, which she presumed would preserve them from these violaters. Without hesitation they vowed her

* Eccl. Hist. l. iii. p. 160.

rules should be strictly observed. Forthwith she drew a razor, and, as an example, cut off her nose and upper lip. She was followed by the whole sisterhood. When the Danes entered the convent in the morning, they were shocked with the horrid spectacle, and, disappointed in their lust, set fire to the edifice, wherein the abbess, with her whole convent, were consumed. Other authors,* whose relations are attended with greater probability, fix the place of this descent at the mouth of the Humber, from whence the invaders marched to York. Osbert, at their approach, led forth a powerful army, and engaged the invaders near the city, where he fell amongst the slain, and his forces were totally routed. Ælla, who had held a conflict for five years for the kingdom of Northumberland with Osbert, under the support of Bruern and his retainers, is said, upon the Danish invasion, to have come to a compromise with Osbert, and joined with him against the common enemy, and that, in the issue, he also fell in the field. If the Danes had come on Bruern's invitation, and to fight his cause, Ælla, who held Bernicia by the influence of his party, would never have opposed them. Malmsbury says, that the English, after the loss of their leaders, shut themselves up within the walls of York, which being set on fire by the enemy, most of them perished in the flames. But Rapin, from the authority of Meursius Hist. Dan. says, the gates of York being opened to the Danes by this victory, after they had possessed the place, Ælla advanced, in hopes of repairing the injury suffered by Osbert's overthrow; the Danes marching out, gave them battle, and the English army was totally routed. Some say Ælla was not slain in the field, but, being taken prisoner, the Danish general ordered him to be flead alive, in revenge for his father Lodebroch's death.†

These two princes are charged by Symeon, and other monkish writers, with having committed a singular outrage on the rights of the See of Lindisfarne, by seizing into their hands several valuable possessions of the church. Warkworth and Tillmouth, by Osbert; and Billingham, Hecliff, and Wigecliff, with Crake, by Ælla: who were perhaps driven to this sacrilege by the distresses of the times, and emergency of the state.‡

* Chron. Sax. † Lel. Col. v. ii. p. 372.

‡ On a fine peninsula, formed by the confluence of the Till and Tweed, are the ruins of a small chapel, called St Cuthbert's chapel, near which lie the remains of a stone boat or coffin, ten feet long within, and three and a half wide, eighteen inches deep, and four inches and a half thick. It is of a singular form, and a strange traditional history is told of it; that St Cuthbert's remains not resting at Norham, were carried to Melros, where, shewing the same signs of agitation and restlessness as had occasioned former removals, by a vision the attendants were ordered to pacify his impatient spirit, by constructing a boat of stone, in which the sacred relics floated

The Danes, after these victories, having laid waste the country between York and the Tyne, being possessed of all the province of Northumberland, about the year 868 made one Egbert, a creature of their own, king of that part which lies north of the river, to hold his crown as their dependent. Being afterwards engaged in expeditions against the southern provinces, the Northumbrians dethroned the vassal king, and gave the crown to Riesig. Rapin calls him a Danish earl, and supposes he was raised to the throne by the Danes settled in Northumberland.*

Ethelred's unhappy reign was of short date, he falling in the field of battle in the year 872, having held the English sceptre only five years. In one year he fought nine pitched battles, in which he gave the highest proofs of courage and military conduct.† He was succeeded by his son Alfred, who, for his extraordinary abilities and prowess, obtained the distinguished name of Alfred the Great.

Halfden, who brought over a reinforcement of Danish adventurers, gave Alfred much distress: But those matters have no relation to this province. In the year 875, several ships with troops, commanded by the abovementioned leader, entered the river Tyne, and were cantoned in the adjacent villages for the winter, it being then too late in the year tomake any progress in the northern parts of Northumberland. On the opening of spring, they began their ravages on this unfortunate country, and marked their progress with unequalled barbarities. Another Egbert was made king in the place of Riesig, whom Halfden depossd, or put to death, in the year 876.‡ The new king held his dignity a very

down the Tweed twenty miles to Tilmouth.** It is said, that not long ago, there was a design to convert this hallowed vessel to mean offices, a peasant having devised to pickle pork in it, or thereout to feed his hogs. To preserve it from such profanation, the spirits of darkness broke it in the night, leaving the fragments near the chapel.—View of Northumberland.

* Post quem anno ab incarnatione domini 854, imperii autem Osberti qui occiso Æthelredo in regnum successerat anno quinto, Eardulfus, vir magni meriti, cathedræ pontificalis gubernacula suscepit, nec minorem quam proximis Lindisfarnensium quibusque longe positis episcopatus sui locis pastoralis curæ sollicitudinem inpendebat. Quorum Luel quod nunc Carleol appellatur, non solum proprii juris sancti Cuthberti fuerat, sed etiam ad sui episcopatus regimen ab Ecgfridi regis temporibus semper adjacebat. Nemo sane predecessorum ejus vel successorum usque in præsens tantum sacratissimi corporis Cuthberti præsentica laboravit, qui cum illo de loco ad locum per vii. annos fugitando inter gladios ubique sevientes inter Barborum impetus feroces, inter monasteriorum concrematione, inter rapinas et hominum strages, ejus obsequio amore semper inseperabili adhæsit, sicut in consequentibus dicitur.——Symeon Dunelm. p. 90.

† Malms. l. ii. c. 3.—Asser. Ann.—Sax. Ann.—Rapin. ‡ Sax. Ann.

** By some hydrostatical experiments it has been proved capable of floating and carrying the remains of the saint. These philosophical exhibitions, in ages of profound ignorance, among the vulgar, were almost esteemed miracles, and food for superstition.

short time; for in the first year of his reign, Halfden dethroned him, and divided the country amongst the chief men of his army.*

The Danes through all their progress in these invasions, exercised the greatest severities upon the religious; and, with unremitting violence, destroyed the churches and holy places, believing them the repositories of all the wealth of the country: And therefore by various tortures, sought to extort, from the priests, discovery of the wealth they presumed entrusted to their guardianship. This furnished the vulgar idea, that they had the greatest aversion, to the professors of the Christian faith. Lindisfarne, in this northern expedition, was the object of their chief attention: Revived as it stood, from the former devastations, they conceived it held abundant treasures; and with merciless avarice, and disappointed hope of plunder, destroyed the monastery, and defaced every ornament of the church.

Our prelate having remarked the savage practices of the invaders, and their peculiar barbarity to the clergy, whilst they were advancing from the river Tyne, consulting with Eadred the abbot, and others of the monastery, what measures they conceived necessary to their safety, severally joined the bishop and abbot in a resolution not only to quit the place whose reverend sanctity among Christians served only to expose it more to the barbarous fury of the approaching savages, but also to carry with them the uncorrupted remains of their patron saint; to whose prophetic words they paid, as it were, divine reverence, with a confidant hope that they led to some felicitous conclusion. Such of the brethren as were not willing to join the bishop and abbot in this arduous and perilous prilgrimage, were left at liberty to provide for their own safety; and the rest, a small company, gathering up the holy relics, the sacred vessels, ornaments, and jewels of the altars and shrines, together with Ethelwold's stone crucifix, before the Danes approached, fled from the island of Lindisfarne, where the episcopal See had been settled 241 years, and to which place, from this period, it was never restored.†

With their holy charge, the bishop with his company passed into the mountainous parts of the country, still changing their abode as intelligence of the enemy's progress seemed to threaten their safety. We are not told, even by Symeon, of the particular course these wanderers took, or what were their resting-places, save one or two, taken notice of in the sequel. Their pious ardour must have been equal to any toil, and superior to every danger, encumbered as they were with the remains of St Cuthbert, the head of St Oswald, the bones of Aidan, Eadbert, Eanfred, and

* Lel. Col. v. iii. p. 385.

† Hoveden—Lel. Col. v. iii.—Symeon Dunelm. p. 95.

Ethelwold, inclosed in one ark or shrine, and the ponderous stone crucifix before spoken of.*

The Danes laid waste the country from the eastern to the western ocean, destroying the religious edifices, and putting to the sword many of the most pious clergy. Amidst these perils, the little fraternity wandered from place to place with their sacred charge, surrounded with the unsheathed swords of relentless barbarians, amidst the burning ashes of monasteries and churches, and travelling in paths marked with the footsteps of cruelty and rapine. Symeon says, they arrived at the mouth of the river Derwent, where, a ship being obtained, they embarked and set sail for Ireland. Several of the attendants not being privy to the bishop's intention before they left the shore, gave themselves up to lamentation; and the people they left on the strand, for multitudes following where the remains of St Cuthbert passed, joined the cries of their friends, to whom they imagined they now bid farewell for ever: But soon after a storm arose, described in such horrible figures by this writer, that, among other things, he says, the surges that flowed over the vessel were turned into blood.† Whilst the ship was beat back, and returning towards the shore, the book of the Gospels, compiled by Ethelwold, richly ornamented with gold and jewels, fell into the sea, to the inexpressible grief of all the spectators.—These unpropitious circumstances, pointing out to the unhappy voyagers that Providence was against their departure from the shores of England, they disembarked with all their treasure, except the book before mentioned, and trusted themselves again to the perils of the land. By revelation they were directed towards Candida Casa, where, searching the sea-shore, they found the precious book cast up unhurt by the waters; and, in a manner equally miraculous, obtained a carriage to transport their burden further on its journey; the particulars of which the reader may see in Symeon Dunelm, p. 109, 112.

Alfred, during the first six years of his reign, was much harrassed by the Danish invasions, and was at last reduced, by the unfortunate events of war, to conceal himself, for a considerable time, in an obscure retreat, in the marshes of Somersetshire.—The earl of Devon, during this interval, struck a successful blow against the enemy, and taking their magic standard of Reasan, on which their superstition held great dependence, the invaders were struck with a panic, which prevailed through every detachment in the island. Alfred, receiving information of this favourable crisis, discovered his retreat to some of his most faithful

* Hoveden—Lel. Col. v. iii.—Symeon Dunelm. p. 96. † Lel. Col. v. i. p. 329.

adherents. Their scattered troops were soon collected, a place of general rendezvous appointed, and when the Danes least apprehended the perils which surrounded them, Alfred appeared at the head of a powerful army, gave them battle, and obtained a complete defeat; after which he carried victory with him wherever he bent his course.

His prosperity thenceforth never deserted him; his foes sued for peace; and his latter days were blessed with innumerable good works. He restored and cherished the church, regulated the civil polity, established excellent laws, encouraged learning and the arts, and was the universal patron of good and great men. For the greater security and more equal government of the people, he divided the land into shires and hundreds, and appointed to each its proper offices.* One of the Danish kings, whom he conquered in battle, he induced to embrace the Christian faith, and gave him the government of East-Anglia to hold as his tributary. The monkish writers relate, that, during Alfred's retreat, when his heart was overwhelmed with despondency from the adversity of his fortune, St Cuthbert appeared to him in a dream, and foretold the propitious events which were at hand, and the measures which should ensure his prosperity.—The accomplishment of every part of this vision struck Alfred's mind with such religious veneration for the saint, as the emissary of Heaven predicting the divine will, that he afterwards became the peculiar patron of the religious of this province, of which he gave the following instance.† The Danes in Northumberland being left without a leader by the death of Halfden, Eadred, the abbot, having wandered with the bishop and their sacred charge, from one place of obscurity and retreat to another, for near seven years, at length rested at Crake, where they were hospitably received and cherished by Geve, the abbot, for near four months. Whilst they remained at Crake, the abbot had a vision, which he related to a numerous assembly of Danes and English; declaring that St Cuthbert appeared to him, and uttered a command to the following purport:—"Say to the people that I have sent thee, commanding them to bring forth "Guthred, the son of Hardiknut, whom they sold to a widow "woman as a slave. When he is discovered, and the price of "his redemption paid, let him be shewn to the multitude; and "it being my will, and I rejoicing therein, bind the armilla‡ on "his right arm, and let him be proclaimed king." This command was received by all the people with acclamations of joy:

* Rapin. † Symeon Dunelm.

‡ Armilla, a royal gem or insignia, used in those days to distinguish the prince elect. It was formed like the modern bracelets.

The youth was found in the vale of Whittingham in the employment of a slave; was redeemed, and, with Alfred's approbation, received the crown of Northumberland as his dependent. There appears much policy in this affair; for, by appointing the son of a Danish general of fame, and of revered memory amongst his countrymen, the minds of that people were conciliated; and, under the influence of their patron saint, the old Northumbrians were reconciled to his government. Rapin seems to confound his ideas of the kings of East-Anglia and Northumberland from the similarity of name, and to mistake the meaning of Asserius, his authority. Symeon, who in this matter is most likely to be correct, and the Chronicle of Melros, give the above relation.*

Symeon gives a dreadful description of Halfden's diseases and death, the persecutor of the church of Lindisfarne and its saints for seven years. Amidst the horrors of a raving madness, and excruciating anguish of body, such a pestiferous stench proceeded from his diseased carcase, that he was abandoned by his fellow-creatures. Abhorred of all human kind, he put to sea from the river Tyne with a few mariners,† and was soon after swallowed up by the ocean, with his whole crew.‡

After Guthred was established on the throne, and peace prevailed in Northumberland, Alfred having brought the rest of his empire under a happy government, the bishop and abbot, with their train, moved the sacred remains from Crake to Chester on the Street, where Eardulph began to found a new cathedral; it being held impolitic, as well as inconsistent with the interest of religion, to return to Lindisfarne; a situation so immediately exposed to the descents of a foreign enemy, so distant from the royal residence, which was then established at York, and from the aid of the civil or military power, on any public emergency or danger.‖

Guthred, thus raised to the throne, in pious gratitude for the distinguished patronage of St Cuthbert, with the consent and concurrence of Alfred, encreased the possessions of the church by a donation of all that tract of country which lies between the rivers Were and Tyne. The royal will being declared to the people, both English and Danes, in a general assembly, it received the confirmation of the public voice, and was established for ever. The two sovereigns also granted to the church where St Cuthbert's remains should rest for the time being, the privilege of sanctuary, for every fugitive, for thirty-seven days, by no authority, or on any occasion whatsoever, to be broken; and this was supported by a mulct to be paid to the saint by any offender

* Symenn Dunelm. p. 118. † Ibid. ‡ Lel. Col. v. ii. p. 372.
‖ Lel. Col. v. i. p. 329.

who should infringe this privilege, equal to that imposed on persons breaking the peace, viz. £96., a large sum in those days.—Besides the grant and privilege before mentioned, the two sovereigns, with the consent of the whole people, ordained, That whatever lands or possessions were given to St Cuthbert, or purchased with his money, should be discharged and freed of all customs and services for ever, and be possessed and enjoyed by the church quietly and freely; together with all customs, services, rights and privileges, vulgarly called Soca and Socne, and Infangentheof. A dreadful anathema was pronounced, with all the terrors of hell on those who should presume to break those ordinances.*

According to Fordun and Boethius, Gregory the Great of Scotland, during Guthred's reign, invaded Northumberland, and obtained a complete victory over the Danes. Monastic writers say, that the Northumbrian king, having marched to oppose the Scots, and put a stop to the ravages they were making in the northern parts of his territories, when the armies were formed for battle, and the charge was sounding, by the interposition of Heaven the conflict was stayed, for the earth opened, and in the yawning gulph the whole Scottish host was swallowed up.† This miraculous event was attributed to the mediation of St Cuthbert, whose place of residence the enemy had sacked, the old monastery of Lindisfarne not yet having experienced its latest evils. The Scottish writers above mentioned seem totally at a loss to account for the conclusion of Gregory's expedition, or are ashamed to relate the overthrow he met with, which, under the superstitious pens of monastic writers, is related in the figurative stile before adopted: from whence nothing more can be inferred, than that the enemy were vanquished and dispersed. But Hollingshed says, Alfred made a truce with Gregory, and entered into an alliance offensive and defensive against foreign enemies, and that thereupon Northumberland was ceded to the Scots. This account stands single and unsupported: If any territory was given up, it was north of Tweed.

Guthred having reigned ten years, departed this life A. D. 894; soon after which event, the Northumbrian Danes, notwithstanding the benefits they enjoyed under Alfred's wise government, and the security in which they held their possessions during Guthred's reign, joined themselves to new swarms of their countrymen, who landed on those shores, and made war on Alfred's southern dominions. But though this new invasion engaged his arms for near three years, Alfred was attended with an

* Angl. Sacra.—Hoveden—Camden—Lel. Col. v. ii. p. 372.—Symeon, p. 119.—&c.

† Sym. Dun. p. 122.—Lel. Col. v. ii. p. 372.

uninterrupted series of success; and after having cut down, in various engagements, the remnant of the enemy, they retreated, or rather fled in small parties through the mountains, to the most northern parts of Northumberland, where they obtained vessels to transport them to Normandy. After the foe was fled, Alfred brought Northumberland into subjection; and not appointing any dependent sovereign either over that state, or the East-Angles, who had a short time before lost their king, he was the first monarch who in immediate subjection held all the provinces of the heptarchy under his own sceptre.*

In the same year, Alfred and Eardulph the bishop, departed this life, A. D. 900,† Eardulph having held his episcopal character for 46 years, of which 18 years was elapsed after the See was settled at Chester. His piety and patience under the persecution of the church was distinguished. His veneration of St Cuthbert's name and character, and his perseverence in the labours and distresses which he suffered in the cause of religion and the church of Lindisfarne, were extraordinary.

The possessions of this See were now become extensive; the mutilation suffered under Osbert and Ælla being of little consequence, compared to the vast territory, which the church now held, viz. Lindisfarne, Carlisle, Jedwordes, Norham, and Gainford, with their dependencies; and all the lands between Were and Tyne.

No records are extant of the grants from Guthred and Alfred, any more than of the grant of Egbert, which is deemed a forgery of the monks. But grants of such antiquity, and in an unlettered age, were only pronounced orally in the great assembly of the states, the Wittagenmote of the people, and confirmed by their acclamations; some uncertain accounts of which are entered in the monastic records: And it was on no better authority that the royal grants in after times were established and confirmed.

Wharton,‡ speaking of the above-mentioned grant by Guthred, has these words: "*Totam siquidem terram inter Vedram "& Tinam fluvios perpetuo jure possidenda largitus, omnem inter "Vedram et Tesam fluvios terram postea adjecit.*" Symeon, in rehearsing the visionary demand of St Cuthbert, and the royal grant, only specifies the lands between Were and Tyne: And the greatest credit is to be given to this writer, when speaking of the possessions of his own church, where he doth not attempt to enlarge the idea of its riches. Had the other much larger territory, between Were and Tees, been afterwards granted by the same royal personages, he would not have neglected to have re-

* Leland. Col. v. ii. p. 329.—Symeon Dunelm. p. 124.
† Leland. Col. v. i. p. 329.—Ang. Sacra, p. 699. ‡ Angl. Sacra, p. 699.

corded it. The latter territory was afterwards added to the See, but it is probable it came by allotments, and at various times; and was not, at the time of Alfred, comprehended in any grants to the church of St Cuthbert.

It has been observed, that the lands granted to the See of Lindisfarne by Egbert, were to be held in as full and ample a manner as in the hands of the king. Whether any civil jurisdiction passed therewith to the ecclesiastics, is only to be distinguished by the exercise of rights. In this place therefore, taking a final leave of Lindisfarne as the episcopal seat, no instance has been discovered of the bishops exercising any civil jurisdiction, or any commencement or origin of a palatine power, in this antiquity of the church. In the grant of Guthred, confirmed by Alfred and the people, a civil power attends the possession *inter Tynam & Vedram:* They were made an infranchised seigniory, with an appendant jurisdiction over the inhabitants, in which the bishop, who always represents the person of St Cuthbert, had his *saca* and *socne*, under which, Bracton says,* the lord of the liberty had power in his court to pass judgment on offenders found within his jurisdiction, according to the laws and customs of the kingdom: And, under such lords, the landholders held their possessions by various customs and services. The same privileges were afterwards granted to lords of manors, for the more immediate and effectual dispensation of justice.

The Danish invasions, and the devastations those troops of savages made, occasioned the See of Hexham to be neglected and vacant for the space of 63 years. After Eardulph was seated at Chester, he exercised the episcopal function there, and Hexham remained united to the translated See of Lindisfarne for about 230 years.†

The indefatigable piety and labours of those who passed through a seven years pilgrimage with the remains of St Cuthbert, have already been noticed; but it doth not appear that those personages, so famous in history for their religious zeal, were people of much erudition. The ancient writers have carefully related from what seminaries our first bishops were derived; but those of later date are totally unobserved upon; and, in the great confusion of the state, it is doubtful were elected out of the body of monks in the monastery of Lindisfarne, and were of no distinguished learning. The monkish writers were anxious to give praise to their dignified brethren, where it was due; they even laboured every occasion which served that purpose: Their silence consequently gives an apprehension that our later prelates had no claim to the name of learned men. Collier's‡ words are

* Lib. iii. t. 2. c. 8. † Symeon, l. ii.—Wharton. ‡ Collier, p. 165.

"The late ravages of the Danes had ruined the commonwealth "of learning, and frighted the Muses out of the island. This "barbarous enemy seemed to proclaim war against sense and un- "derstanding: They hated to see the English better polished "than themselves; and as they plundered the monasteries out "of covetousness, so they burnt the libraries out of envy, that "there might be nothing remaining to reproach their ignor- "ance."

That learning was at a very low ebb in Alfred's reign, appears by his letter to bishop Wulfsig; in which he says, "Both "the clergy and laity of the English were formerly bred to let- "ters, and made great improvements in the creditable sciences; "that, by the advantage of such a learned education, the pre- "cepts of religion and loyalty were well observed; the church "and state flourished, and the government was famous for its "conduct in foreign countries: And as to the clergy, they were "particularly eminent for their instructions, for acting up to the "expectations of their character, and discharging all the parts "of their function to commendation, insomuch that strangers "used to come hither for learning, discipline, and improvement. "But now the case is miserably altered, and we have need of "travelling to learn what we used to teach. Indeed knowledge "is so entirely vanished from the English, that there are very "few on this side the Humber that can either translate a piece "of Latin, or so much as understand the liturgy in the mother "tongue."*

It doth not appear that the See continued vacant any length of time after the death of the last bishop, who was succeeded† by

CUTHEARD.

He was studious to augment the possessions of the church. With the treasures of St Cuthbert he purchased or redeemed Sedgefield, with its appurtenances, which was then held by three persons not distinguished in history, but named, by the monastic writers, Aculf, Ethelbrith, and Frithlak. He also purchased Bedlington, with its appendages, Nederton, Gurb, Batbise, Lebbington, Sliceburn, and Cambois, laying in that district now called the county of Northumberland.‡

There were other benefactors in his time, who contributed to encrease the possessions of St Cuthbert by their donations. Tilred, an abbot, repurchased or redeemed South Eden, one moiety of which he gave to St Cuthbert, that he might become a brother in his monastery; and the other moiety to Norton, that he

* Asser. de Alfred. reb. gest. p. 27. † Lel. Col. v. i. p. 330. ‡ Ibid. v. ii. p. 575.

might be abbot there. Barnard, a priest, about the same time, gave to St Cuthbert his villa of Willington, that he might be admitted one of the fraternity of his monastery.

On Alfred's demise, Edward the Elder, his son, mounted the throne of England; but Ethelward, his cousin, son of Ethelbert, claiming the crown in a line of inheritance against Edward, who was the issue of a younger brother, and no right appearing in Ethelwold to authorise him to settle the succession, as he had presumed to do, many supported his claim, and much mischief ensued. He first raised commotions in Dorsetshire; but finding no support there, equal to the power of the prince he opposed, he fled into Northumberland, and was received by the Danes, constantly ready for insurrection and warfare, with acclamations of joy; they immediately proclaiming him king. But on Edward's marching northward with a powerful army, they were obliged to expel their new sovereign, and sue for peace. Ethelward fled to France,* from whence, in a short time, he returned, with a strong body of Normans, obtained by the plausibility of his claim to the crown. With those forces he landed in Essex, and the Northumbrians taking up arms on the news of his arrival, marched into Mercia, and marked their progress with most horrid ravages. Edward having collected his troops, met the invaders in several bloody conflicts, in which Ethelward's party repeatedly suffered great loss; and at last he fell in the field;† which obliged the Danes to make peace on the best terms their aggressions would allow them to procure. But this pacification was of short duration; the war broke out again within the period of three years, the Danes not regarding the treaty;‡ and Northumberland was over-run and plundered for five weeks by Edward's exasperated army, which every where prevailed against the insurgents.§ Two great battles were fought, in which Edward was victorious, several thousands falling by the sword, amongst which were two Danish princes, Eowils and Healfden, (whom Flor. of Worcester calls brothers of K. Hinguar), who were succeeded by Regnald, who was proclaimed King of Northumberland.‖

Rapin ¶ says, "from the year 910, when the war betwixt the "English and Danes was rekindled, to the year 922, there is no-"thing in history but a long series of battles, the relation whereof "must be unpleasant to the reader."

Amidst such distresses of the country, no injury appears to have been done to the new settled See, save what Symeon says

* Hen. Hunting. lib. vii.—Lel. Col. v. i. p. 218. † A. D. 905. Sax. Ann. ‡ Hov. p. 421. § Sax. Ann. Hunt. p. 352.—Lel. Col. v. i. p. 214. ‖ Sax. Ann. Flor. Wor.—Hunt. p. 352.—Brompton—Rapin. ¶ p. 98.

of two of Regnald's leaders, Scula and Onlafbal, who seized on that part of the country which lies between Eden and Billingham, afflicting the inhabitants with grievous impositions, and a heavy tribute, adding thereto the greatest contempt of the church, and sanctity of its patron, Cuthbert; for which, according to the monastic accounts, Onlafbal suffered an exemplary punishment.*

Cutheard, after presiding over this See for fifteen years, in 915 was succeeded by

TILRED,

who possessed the See for fourteen years and upwards. No character of this prelate is given by ancient authors; but it appears he was a man of piety and godly life, by the veneration in which his church was held by Edward during the latter years of his life, and Athelstan his successor.

Northumberland, during all this prelate's time, was involved in seditions and bloodshed. It was chiefly inhabited by Danes at this time, having become the common receptacle for the vagabonds of that people from all other parts of the island; who were full of turbulence, and of a ferocity of temper which was only gratified by war and tumult.

About the time of Tilred's consecration, the Northumbrians, in conjunction with their countrymen in some of the southern provinces, making insurrections, and on every occasion appearing in arms, induced K. Edward to prosecute with all vigour their total reduction. He moved with a powerful army towards the north; but information being received of his intentions, he had scarce entered the frontiers of the province of Northumberland before Regnald, and Alred, son of Eadulf, kings of that state, with all their people, submitted themselves.† According to the Saxon Chronicle,‡ not only all the northern potentates, but also the king and nation of Scotland, did homage to Edward, as their supreme. Ridpath, who is a Scotch writer, takes notice of this circumstance; and adds, this is the first mention of Scotland being brought under the sovereignty of any Saxon monarch.§ What became of the Northumbrian princes after this submission, we are not well informed. Alred is not named at all. Rapin writes,‖ that Sithric, and Nigel his brother, reigned beyond the Tyne; and Regnald, who resided at York, ruled all the country between Tyne and Humber. Some time after, Sithric having slain his brother Nigel, became sole king of the north.¶

* Lel. Col. v. ii. p. 373.—Symeon, p. 125. † A. D. 924.—Flor. Wig.—Sax. Ann. Malms.—M. West. ‡ p. 110. § p. 46. ‖ p. 99. ¶ Hen. Hunting. lib. vii. —Lel. Col. v. i. p. 214.

K. Edward full of honour and heroic virtues, completed his days in the year 925; having spent a glorious life, eminent for his wise government and victorious arms.

Elsward the deceased sovereign's eldest son, survived him but a few days; and the rest of his legitimate children being in their minority, Athelstan his son, by Egwina, a concubine, ascended the throne,* with the consent of the clergy and nobility, and was anointed and crowned king of England at Kingston upon Thames, by Athelm, archbishop of Canterbury. Athelstan had received the order of knighthood from Alfred his grandfather, and his education under Ethelred, the celebrated earl of Mercia, who married Elfleda, his aunt, the most virtuous and heroic princess of the age. As he was admitted to all their councils, and attended them in all their warlike operations and expeditions, he is said to have acquired, under those great examples, a most admirable knowledge in military and political affairs, and was esteemed the most accomplished prince that had ascended the throne.

Edwin, the deceased king's eldest legitimate son, was very young: Yet some dissatisfied nobles, who objected to Athelstan's birth, with Alfred, a powerful lord at their head, entered into a conspiracy to take off the king by assassination, and place the crown on the head of Edwin. But this project being discovered, Alfred fled to Rome, where he died. The Northumbrian Danes seized the hour of confusion for rising in arms, hoping the confederacy would afford them sufficient occasion for ravage and plunder. It does not appear that their object was independence, or their pretext redress of grievances; neither had they any favourite chieftain, issue of their own kings, to serve. It proceeded from their habitual bent for rapine. Athelstan having appeased the minds of the seditious in the southern provinces, exercising no other severity against the offenders but the confiscation of Alfred's estate, which he granted to the monastery of

* Egwina, a shepherd's daughter, as she lay asleep in the fields, dreamt that the moon shone out of her womb so bright, that all England was enlightened by the splendour. Some time after, she took occasion to relate her dream to an old woman that had been K. Edward's nurse. This woman, who pretended to interpret dreams, imagining there was something extraordinary in this, took Egwina into her house, and educated her, not as a country wench, but a person of quality. Egwina answered all the old nurse's care and pains about her, and in time became an accomplished beauty. Whilst she was in the house of her benefactress, prince Edward, before he was king, happening to pass by the place where his nurse lived, made her a visit. He cast his eyes on Egwina, and immediately fell desperately in love with her. His passion was so violent, that, in the most moving and affecting manner, he solicited the nurse to put him in possession of the charming Egwina. The old woman, who had always a great affection for Edward, and had always the dream in her thoughts, yielded to his request, and brought Egwina to consent to what he desired so passionately. From that time, Edward was extremely fond of Egwina, and had, by her three children, of whom Athelstan, the eldest succeeded him.——Rapin, p. 99.

Malmsbury, with great alacrity marched northward, and was on the borders of Northumberland before the insurgents presumed he was apprised of their intentions. Sithric sued for peace, on any terms the sovereign would grant; on which submission, Athelstan not only pardoned the revolters, but also gave the prince his sister Editha to wife, on condition that he became a Christian; thereby hoping to put an end to the continual rebellions in that province. But whatever hopes Athelstan entertained from thence, they were dissipated by the hasty death of Sithric, who died within the year.* Fordun says, he was cut off by treachery; and Boethius very expressly declares, that Athelstan induced his sister to give him poison.† Matthew of Westminster accounts thus for the event: That, to secure to himself the crown under Athelstan's auspices, he renounced the errors of his religion: but, soon after his marriage, returning again to paganism, and his old idolatry, he died an uncommon and shameful death:‡ And he with Florence of Worcester § say, his disgraceful exit was portended by fiery meteors in the northern hemisphere. On Sithric's death, Adulph endeavoured to possess the sceptre, and seized Bambrough, from whence he was soon expelled by Athelstan, who again brought the Northumbrians to submission.—Sithric left two sons by a former marriage, neither of whom Athelstan thought proper to place on the throne; and it is uncertain whether he appointed any one to the immediate government of Northumberland. It appears ‖ that Godred, the second son, seized the crown without the sovereign's consent, and took possession of the fortresses of the country; but, on Athelstan's approach, he abdicated the throne, and fled into Scotland.¶

During these troublesome events, our prelate departed this life, and was succeeded by

WIGRED

in the year 928, and at a time of incessent commotions in the province of Northumberland. Anlaf, Sithric's eldest son, had taken refuge in Ireland, and Godred in Scotland, where they were equally making interest to be restored to the throne of their

* A. D. 926. Chron. J. Wallingford. † Ford. l. iv. p. 24.—Boeth. l. xi. ‡ Mat. of West. p. 185.

§ The sons of Sithric finding she was of counsel in poysoning her husband, they caused hir to be apprehended, and put to death on this wyse. She was sette nakid upon a smythes colde anvylde or stythie, and there with hard rosted egges, being taken foorth of the hot ymbers, were putte under hir arme pittes, and hir armes fast bounde to hir bodie with a corde, and so in that state she remayned till hir life passed from hir.—Holling. p. 224. Flor. of Worcester and Malmsbury say, she became a nun at Potesworth in Warwickshire.

‖ Malms.—Chron. Sax.

¶ Lel. Col. v. ii. p. 374.—Ang. Sac. p. 700.—Sym. Dun. p. 129.

father, and to disturb Athelstan in his government. The sovereign, offended at the protection the fugitive obtained in the court of Constantine, the Scottish monarch, contrary to the principles of submission his crown had received from that state, levied a great army, and marched against Scotland. Ridpath* says, he invaded that kingdom, wherein, according to the English historians, his arms prevailed over all opposition, and the king was obliged to submit to the victor, as his sovereign lord. But Rapin writes, that it was not known what was become of Regnald, and Anlaf was fled into Ireland; so that Athelstan was obliged to be satisfied with requiring Constantine king of Scotland to deliver up Godred. Constantine, sensible he was not in a condition to deny any thing to a prince at the head of so powerful an army, promised to deliver the fugitive into his hands, and give him a meeting at Dacor. But in the mean time Godred effected an escape; and Constantine, with Eugenius king of Cumberland, came to the appointed convention; where the Scottish king acquitting himself of all culpability relative to the prince's escape, Athelstan dismissed the two sovereigns on their doing homage. Whilst Athelstan was thus employed, Godred arrived at York, some of his friends holding the castle there, which had not been surrendered to the sovereign; but, on Athelstan's assaulting it, according to Malmsbury,† it was surrendered, and he destroyed it to the very foundation. Godred, in despair took to sea, and committed depredations as a pirate. At length, wearied with the various excesses, he submitted himself, and received his pardon, with a small pension for his support: soon after which he was no more heard of.‡

Anlaf was more successful; for having established an interest in Ireland, he passed over into Scotland, where, by artful insinuations, he won on Constantine's mind, inspiring fears that Athelstan's too great power would induce him to reduce the crown of Scotland, and bring the whole island under his dominion: That the most politic measure to regain the independence of his kingdom, and secure it from conquest, was to support the Danish interest in Northumberland, which would always be a strong barrier against the English monarchs, and they a people so inferior in strength, as never to disturb his powerful state. To those arguments he added assurances, that he would join the attempt with a powerful armament from Ireland; and predicted success from the measures which they concerted. It was determined among other things, that the Welch should take up arms to divert

* Lel. Col. v. ii. p. 374.—Ang. Sac. p. 700.—Sym. Dun. p. 47.
† Malms. p. 50. ‡ Rapin, p. 100.

Athelstan's attention, whilst they prepared to make a grand descent on the banks of the Humber.

The plan being formed, Anlaf returned to Ireland, and the Welch appeared in the field; but the Irish levies not coming in time, they were crushed in the first battle by Athelstan's superior arms. He then moved towards Scotland, to chastise that kingdom for the part the Scots had taken in this insurrection; and Anlaf still not arriving, Constantine sued for peace: which was granted by the sovereign, who remained ignorant of the great design formed against his government.

Athelstan returned to his capital, where he suffered the shock of some family distresses;* during which private embarrassments, Anlaf entered the Humber with a fleet of 600 sail, (Hollingshed says 615 ships and crayers), before the king had any intelligence of his approach. There is some confusion touching the invader, some authors asserting he was not Sithric's son, but an Irish prince, and king of the Isles, son-in-law of Constantine: And Ridpath, in his Border History, has adopted part of this account. But Rapin justly explodes it. Hollingshed asserts, he married Constantine's daughter. The Scots and Welch joined to assist Anlaf, and the whole force of the Northumbrian Danes was in arms on his landing.† Athelstan, with amazing alacrity, levied an army, and marched in pursuit of the invaders, who were hastening into Bernicia to reduce that district, but were so hard pressed by the pursuers, that they were obliged to make a stand, and give the English battle at Brunanburg, a place not now distinguished by any of our writers. The victory was Athelstan's in which Constantine fell, with six other potentates, Irish and Welch, and twelve earls and commanders. The great success of the day was attributed to the sage conduct of the king's cousin, Turketul, afterwards abbot of Croyland. Cumberland and Westmorland were taken from the Scots; Northumberland was put under a severe tribute, and other marks of humiliation; and the Welch, pent up within narrow limits, marked by the river Wye, were charged with a tribute of twenty pound weight of gold, three hundred of silver, and twenty-five thousand head of cattle. Ridpath, from the authority of Fordun, ‡ asserts, that Constantine escaped from the battle, and retired to the monastery of St Andrew, where he spent the remaining five years of his life.—Hollingshed says, "Some have written, that Constantine kyng "of Scottes was slayne at this overthrowe, and five other small "kynges or rulers, with twelve dukes, and well near all the army

* Putting his brother to death on suspicion of being concerned in a conspiracy against him; of which different authors give different accounts.—Malmsbury, Huntingdon, Brompton, Buchanan, &c. † Lel. Col. v. iii. ‡ l. iv. c. 25.

" of those strange nations which Anlafe had gathered togither. " But the Scotish chronicles affirme, that Constantine was not " there himself, but sent his son Malcolme, which yet escaped " sore hurt and wounded from this battell, as in the same chro- " nicles yee may see more at large."

The above author has this remarkable passage: That Godred, with a great power, entering Northumberland, besieged the city of Duresme, soliciting the citizens to receive him, which they would gladly have done, if they had not perceived he was not of power sufficient to resist the puissance of Athelstan. Other authors fix this enterprize at York. It does not appear that any place at that time was known by the name of Duresme.

K. Athelstan, as Symeon says, in the tenth year of our prelate's pontificate, gave to the sepulchre of St Cuthbert several rich gifts and ornaments, in his time preserved in the church of Durham, but which he forbears to describe, as being set forth in the common cartulary of that religious house. He also granted to the Church twelve villages, with their appendages; and confirmed the laws, privileges, customs and jurisdictions, which his grandfather Alfred, and Guthred, instituted; and ordained that they should be observed and kept for ever; and he enjoined his brother Edmund, that, if he should fall in his Scots expedition, his remains should be interred in the church of St Cuthbert. The possessions before alluded to were given by this monarch's will, which he left at the tomb of St Cuthbert as he proceeded northward.* They are thus described: " The delightful villa of South- " Weremonth, with its appendages; Weston, Offerton, and " Silksworth; the two Ryhopes, Burden, Seaham, Seaton, Dal- " ton, Dalden, and Heseldene."

Athelstan departed this life, after a glorious and successful reign, though full of warfare, in the year 940, or 941, in the 46th year of his age, and 16th of his reign, having added several wholesome laws to those of his predecessors. Notwithstanding his confirmation of the privileges of the church of St Cuthbert, from the general tenor of his laws, it is discernible, he held a strong dislike to ecclesiastical immunities and special jurisdictions, which he apprehended were prejudicial to the state at large, and to the civil polity of the people.

* Ethelstanus rex iturus in Scotium contra Constantinum regem, testamentum composuit quod reliquit ad tumbam S. Cuthberti, & fratrem suum Edmundum rogavit, ut, si in conflictu moreretur, curaret ejus corpus ad eccl. S. Cuthberti deferri.

Ethelstanus multa ornamenta ex auro argento & serico dedit eccl. S. Cuthberti.

Ex Testamento ETHELSTANI Regis.

Do eccl. S. Cuthberti, villam dilectam Warmuth australem, cum suis appendiciis, id est, Weston, Ufferton & Silcesworth; duas Reofhoppas, Birden, Seham, Saeton. Dalton, Dalden, Hesilden, quas villas malorum mallgnitas ab eccl. S. Cuthberti multo ante tempore abstulerit.——Lel. Col. v. ii. p. 374.

He was succeeded by Edmund, eldest legitimate son of Edward, stiled the Elder; who with general approbation ascended the throne of England, whilst the whole empire was in a state of profound peace.

The young king, who had just attained the age of eighteen, was not long in possession of a peaceful dominion. The Danes, still turbulent, recalled Anlaf from his place of retreat, who, fully conscious by experience that nothing could be done without a foreign aid, applied to Olaus king of Norway, to whom he engaged to pay a large sum of money if he was successful; on which terms a powerful force was granted, with which he approached the city of York, whose gates were thrown open to him; and this example prevailed with all the lesser places of strength within the province of Northumberland. Not content with this possession, and flushed with success, he marched into Mercia, where he won a considerable territory. Edmund, with all the ardor of youth, levied his forces, and approached to give Anlaf battle. The two armies met near Chester in the west, and the engagement, which was fought with great prowess on both sides, continued till night obliged the combatants to desist from the dreadful havoc of the sword, which hitherto had not been able to give advantage to either party. Both sides rested on their arms, prepared to renew the fight at the dawn of day. The archbishops of Canterbury and York, then attending the contending potentates, during this interval laboured to bring about a peace, in which also the nobles on both sides were extremely solicitous. In consequence of this formidable coalition, Edmund was obliged to resign to Anlaf all the tract of country north of Watling-street, running from North-Wales to the sea on the southern parts of Kent: By which treaty and cession the kingdom of Northumberland comprehended a boundary more extensive than it had known in any age, containing several countries never, previous to that time, within the jurisdiction of that province.

About this period our prelate, who does not seem to have taken any part in the political system, departed this life in the third year of Edmund's reign, having filled the See about seventeen years; in which time, as before observed, the riches and possessions of the church were much increased.* He was succeeded by

UHTRED,

of whom Symeon makes no further mention, than merely to insert his name: And the other monastic writers are totally silent. He filled the See little more than three years, during which

* Wharton—Symeon, p. 132.—Lel. Col. v. ii. p. 375.

short period the province of Northumberland was in great commotion.

Anlaf was no sooner settled on his throne, than he began to pursue measures for satisfying the obligations he entered into with the king of Norway; on which account he oppressed his subjects with some heavy taxes. The affections of his people were not with him. The inhabitants of Deira, oppressed by his impositions, quickly revolted, and drawing Godred's son from his place of retreat, elected him king of that province. The consequence of such measures was an immediate preparation for war by both parties. Edmund, observing the contention, marched an army to the borders, and there, as arbiter of the dispute, made peace between the dissatisfied parties, on condition that Regnald possessed the crown of Deira, to which he was elected, and they both became his tributaries. This decision only laid the foundation of new projects; each party was dissatisfied that Edmund should exercise a sovereignty over him; and, as being a foe to them both, they immediately forgot their own quarrel, and entered into a confederacy to shake off obedience. The sovereign having early intelligence of their compact, with forced marches, in a little time, gained the frontiers with a powerful army, and possessed himself of several places of strength on the border, before the confederate kings had collected their forces. Edmund's determined mind gave them little hopes of reconciliation; and the only prospect which remained, was to escape his fury, and depart the land. This event induced the Danes, who were gathering together from all quarters, to throw down their arms, and swear allegiance. In this expedition Edmund seized the kingdom of Cumberland, and gave it to Malcolm king of the Scots, to hold, as a fief of his crown, by homage; thereby engaging that monarch in a firm alliance. There is no account what person succeeded to the Northumbrian sceptre, either under the auspices of Edmund, or by the election of the people; neither is any king of that province spoken of until the succeeding reign.*

Our prelate departed this life in the year 947, and was succeeded by

SEXHELM,

a person of depraved mind, who possessed the See for a few months only. Symeon says, he was so far from being like his predecessors, that he gave himself up to the love of riches; to attain which he oppressed not only the people who inhabited the territories belonging to the church, but also the very ministers

* Wharton Ang. Sac. p. 700.

officiating in sacred duties. He adds, that the bishop was admonished by dreams against practices so derogatory to the honour of his holy function; and those visions were so powerfully repeated, and attended with such afflictions of body, that at length he retired from the See in the greatest horror of mind, and was not restored to sanity, till he had gone beyond the utmost limits of St Cuthbert's liberties, and arrived near York, where his diseases forsook him in a miraculous manner. There appears, in the whole relation, a plain demonstration of his insanity, without any miraculous interposition.*

On Sexhelm's desertion of the See,

ALDRED

was consecrated, of whom Symeon and other writers say little more, that he died in the year 968, having possessed this See twenty one years and upwards.

It is not surprising that nothing should be said of this prelate, when the great revolutions which took place in his time are considered, and the repeated scenes of distraction and warfare, in which Northumberland was involved.

Aldred had but a short time possessed his church when Edmund came to his tragical end, in the 25th year of his age, and 8th of his reign.†

This prince, during the short time he ruled, and in the few recessess he enjoyed from military exploits, made several excellent laws. He had observed that fines, and pecuniary mulcts, did not deter evil men from crimes of the highest nature, and besides, many who committed them were in a state of poverty, or had little to lose; therefore he ordained, that in gangs of robbers apprehended, the oldest of them should be condemned to die on the gallows: Which was the first law in England to punish that offence with death.

On the demise of Edmund, A. D. 948, he leaving two infant sons, Edwy and Edgar, his brother Edred, with the unanimous

* For his character, see Lel. Col. v. i. p. 329.—Sym. Dun. p. 136.—Angl. Sacra, p. 700.

† One day as he was solemnizing a festival at Pucklekirk in Gloucestershire, he espied Leolf, a notorious robber, who, though banished the kingdom for his crimes, had the impudence to come and sit at one of the tables in the hall where the king was at dinner. Enraged at his insolence, he commanded him to be apprehended; but perceiving he was drawing a dagger to defend himself, the king leapt up in great fury, and catching hold of him by the hair, dragged him out of the hall. This imprudent action cost him his life. Whilst he was wholly intent on venting his furious passion, Leolf stabbed him in the breast with his dagger so that he immediately expired upon the body of his murderer. The story is told with some little variations, though all the authors agree in the catastrophe.——Malms.—Bromp.—Hoved.—Chro. Melros.

consent of the clergy and nobility, was elected and crowned king of England at Kingston, by Odo, archbishop of Canterbury.

His reign commenced in conflicts with the Northumbrian Danes, who, on the death of Edmund, thought it a fit opportunity to rise in arms, and renew their infamous rapine on the adjoining territories. Their weakness in numbers would not allow them to entertain any superior views to those of plunder. It appears they had influence sufficient with K. Malcolm of Scotland to induce him to join them; who presumed the death of Edmund dissolved his obligations; and that nation shewing a restless disposition similar to their Danish neighbours, perhaps with similar views, engaged in the enterprise. K. Edred's ministers, jealous of the turbulent humour of the Danes, held a strict eye over their conduct, and gained intelligence of their purposes so early, that the English army had penetrated the heart of Northumberland before they presumed the design of a revolt could be discovered. This sudden attack obliged them to sue for mercy. The king laid waste the country in his advance, with particular marks of indignation, so that it remained, a long time after his avengeful progress, uncultivated for many miles; and in this devastation the monastery of Ripon was burnt.* He punished some of the leaders of this commotion with great severity, and on others he imposed a heavy fine.†

Having re-established peace in Northumberland, he marched his army into Scotland, to chastise Malcolm for his breach of truce, and obliged him to renew his homage.

Edred was scarce seated in his capital before the perfidious Danes recalled Anlaf, and proclaimed him their king. He having gained experience by adversity, used the utmost expedition to possess all the places of strength in the province, which he effected before Edred could assemble his army. His wise disposition of his forces, and the formidable appearance his armament made, persuaded the sovereign that it would cost him much blood and treasure to effect his deposition; therefore, with a distinguished prudence, he delayed attacking those territories till some favourable crisis should offer itself; thereby giving leasure to Anlaf, who thought himself secure of the crown, to yield to the natural bent of his temper, which was turbulent and tyrannical. His subjects, whose natural ferocity and impatience of submission have been marked in the progress of their history, could not brook the countenance of severity, which their impetuous humour pretended to discover in his military discipline and strict rules of government. In a little time so formidable a party was raised against him, that, to avoid an ignominious death, he was obliged to ab-

* Malms. p. 155.—Ingulph. p. 51. † Hoveden—Lel. Col. v. ii.

scond, and fly into Ireland; and Yrick, the son of Harold, A. D. 952, was placed on the throne.*

There was a coalition of parties in this new election, which promised some stability; but at length Anlaf's friends headed a renewed faction in his favour. Enraged at the repeated perfidy of this province, Edred, seeing the division favoured his measures, marched northward, threatening to desolate the whole country, and put the inhabitants to the sword;† and, as an earnest of his vengeance, marked his progress with utter destruction. Fordun says, that Edred was assisted by Malcolm king of Scotland; but this stands unsupported. At the sovereign's appearance in the heart of the country, Yrick fled into Scotland, and the inhabitants, in the most abject submission, prostrated themselves for mercy, presented rich gifts, and took a most solemn oath of allegiance. It appears that Wulstan, archbishop of York, and the Northumbrian nobles, swore fealty to Edred, in a town the ancient writers call Tadden's-cliff, now Topcliff.

Edred, not dreading any treachery, returned towards Wessex with his army, in detached parties. Florence, alone, says, the Northumbrians, immediately on Edred's retreat, raised to the throne one Incus, of Danish extraction: But nothing further is said of him. Certain it is they ran to arms, and, by forced marches, pursued the English army, and fell upon their rear.—Also, by several ambuscades, they greatly harrassed the detached parties; and had it not been for the valour, conduct, and resolution of the king, his whole army, by this unexpected attack disunited and thrown into confusion, would have been cut to pieces before they could have made a regular stand. At length, by the greatest exertions, the king's army recovered its order, and put the Northumbrians to flight. Enraged at the repeated villainy of the Danes, the king returned towards Northumberland, determined to execute his former threats, and lay waste the whole territory. His march spread horror and dismay on every hand: They beheld the avenger advancing with fire and sword, to take his fill of slaughter, and lay the whole country in ashes. Unable to resist, deprived of every claim to compassion, branded for breach of sacred compacts and oaths, they had no resource left but absolute submission to the king, on such terms as his justice and clemency should impose, slavery being now their forlorn hope. The first step was to renounce, by the most solemn acts, their allegiance to Yrick, and hang up Amac, the son of Anlaf, as a public traitor, to whose persuasions they attributed their revolt.‡ Wulstan, archbishop of York, was seized and thrown

* Lel. Col. v. ii. p. 375, 376.

† Flor. Virg. p. 604. ‡ Scala Chron. v. ii. —Lel. Col. v. ii. p. 523.

into prison for abetting the insurgents; and some other striking examples were made. The king's compassion and humanity were powerfully assailed by such abjectness of submission as the prostrate people displayed: These were mixed with the lamentations of women forlorn, and naked children. He possessed a heart flowing with benevolence, and his eyes turned away from bloodshed with tears. The felicity of mankind touched his soul with more exquisite joy than all the pageantry of victories and triumphs. He took the people to his mercy: They surrendered their places of strength, which he filled with garrisons of English. He placed a number of troops in the towns, to check sedition, and keep the inhabitants in due subordination: He divested them of all ensigns of royalty, and abolished regal jurisdiction. He reduced Northumberland into a province, over which he placed Osulf, governor, dependent entirely on his crown, and gave him the title and dignity of an earl. He released the bishop, and pardoned him; and extended his clemency to other chiefs in the faction, establishing a lasting peace.*

Edred sullied the glories of his reign by yielding too much to the influence of Dunstan, abbot of Glastonbury, and too great zeal in the affairs of religion. He possessed the crown ten years, and died A. D. 955, leaving two infant sons, neither of whom succeeded him; Edwy his nephew, son of Edmund, being placed on the throne.

Although he began his reign at so early an age as fourteen years, he shewed a bold dislike to the manners of Dunstan, and the enormous growth of church influence which appeared in the former reign. It is evident his judgment in those matters, though just, was attended with too much of the rashness and impetuosity of youth. The clergy had possessed the consciences of the people; acts of devotion and piety were become deeply tinctured with superstition and enthusiasm: The sacredness of religious houses and monastic orders had encreased into that reverence, that, to speak against them in the ear of the people, was accounted impious and prophane. A burning zeal existed towards the ministers and rights of religion. The young king did not sufficiently estimate this influence, and the danger which would attend any attempt to shake it. He knew not what a tremendous enemy he was rousing when he opposed this hydra of power. He conceived not the secret channels by which the foe he was braving would conduct the opposition; and such it was that along with it was promulged, to the alarmed consciences of men, who received the monks to their closet, that it was rendering a service to God to remove those who were obnoxious to his religion and church.—

* Lel. Col. v. ii. p. 376.

It was not long before a faction appeared in Mercia, agitated by the monks, who were deprived of the benefices Dunstan procured them, by removal of the secular clergy, now restored. In the popular cry, the king was represented as the most impious of men; and at the head of the malcontents Edgar his brother appeared under the denomination of *Protector of the Church:* A title replete with a thousand horrors, specious and delusive, calculated to seduce the zealot and enthusiast. Having secured Mercia, he gained over to his cause the debased race of Danes in East-Anglia and Northumberland, who, not for the cause of religion, but from a habit of wickedness, and being ripe for evil deeds, appeared in arms in his favour. Edwy, astonished at the rebellion, stood dismayed: He had not infringed the laws, oppressed the people, or injured his brother. His conscience was void of offence, save only in his opposition to the enormity of the ecclesiastic power. He did not accuse himself of giving cause for the insurrection; neither did he apprehend the religious had sufficient influence to create the tumult which on every hand surrounded him. Not willing to occasion any effusion of blood in such a contest, he was content in securing the faithful kingdom of Wessex to himself, and surrendered the rest to his brother.

Some of the monastic writers charge Edwy with abundant wickedness; others only accuse him of a lascivious habit; but the most judicious of the moderns say, his fame and misfortunes were equally derived from the monks. His mind, distressed with the reverse of fortune, and wounded by injuries he did not merit, his conscious rectitude of mind representing his actions and intentions towards the church as replete with political justice towards his people, overwhelmed him with melancholy, which hastened on his dissolution; and, after a reign of four years and some few months, he departed this life in the year 959.

Edgar now assumed the diadem of England, and was scarce advanced to the age of sixteen years when he ascended the throne of the united kingdoms. He was a favourer of the monks, from whose flattery he derived the appellation of *the Peaceable,* blest also with the title of *Protector of the Church.* He recalled Dunstan from a voluntary exile, to which he submitted himself in Edwy's reign, and gave him the See of Worcester. Under this bishop's influence or administration, the state was kept in peace, not by passive and weaker measures, but the wisdom and vigour displayed in the several departments of government. He held the array in continual exercise of arms, so as to be ready, on the shortest notice, to bring a very formidable army into the field, thereby keeping up respect from the neighbouring potentates.—In the northern provinces he kept the fortified places and towns

filled with well disciplined troops, by which the Danes were held in awe. He had a powerful navy, said to exceed 4000 vessels, distributed in all the ports of the island, and at intervals cruising on the coasts, to the destruction of piracy, and safeguard of the kingdom, against descents of a foreign enemy. These were sufficient to keep him superior to all the other princes of the island, who are said to have made him a voluntary submission. His attention was also engaged to the promotion of agriculture; and to him the kingdom was indebted for the extirpation of wolves, which were destructive to the more northern parts in particular, being not only mountainous, but covered with extensive forests. This he chiefly effected, by publishing an act of grace and remission to offenders, on their bringing in a number of wolves tongues, apportioned to their offences. He redressed the grievances of the people, by punishing the civil officers who transgressed the law, and relieved them by a dispensation of impartial justice; to which end he frequently visited the several districts, and received complaints from all ranks of men, with a distinguished humanity.

Dunstan's character as a minister of state was very great; but, as an ecclesiastic severe and tyrannical. He, with the prince's power totally at his will, again excluded the seculars, and brought the regular clergy into benefices. Collier says, it is observable in the province of Northumberland in general, and in the possessions of St Cuthbert in particular, no monks were then introduced into religious foundations; nay, they were not admitted there till after the Norman conquest: So that he does not give the fraternity of Lindisfarne or Chester that denomination.

During Edgar's peaceful reign, our prelate departed this life, in the year 968,* and was succeeded by

ELFSIG,

who was consecrated at York by Archbishop Osketill, and held the See for twenty-two years.

The same political principles from whence such prudent regulations, touching other parts of the state, were derived, produced one equally wise relative to the province of Northumberland.†—It appeared that the earldom of this extensive territory was an office of too great power to stand consistent with the due subordination of the subject, by which the springs of government were to operate to the protection of the whole. The king therefore thought proper to divide Northumberland into two earldoms; to effect which purpose, he called a council of the barons of that province at York; where the matter being deliberated upon, and it being

* Angl. Sacra, p. 701.—Sym. Dun. p. 138. † Chr. J. Wal. p. 544.

demonstrated to the assembly, that the division would conduce to the better protection of the northern territories, it was determined on Osulf's death, which happened about the time of this resolution, that Oslac should be made earl of the country between Humber and Tees; and the government of the district north of Tees, to be bestowed on Eadulf.

Edgar's political history is full of honour; but his private story is blotted with impetuous passions, impatient to be gratified at the expence of justice, religion, and virtue. The monkish writers sanctify him with unbounded praises, in consequence of the patronage he held out towards them in every channel. He departed this life in the year 975, in the 32d year of his age, leaving two sons and a daughter. His eldest son and successor, Edward, was born of a doubtful marriage; some say he was the issue of a concubine.

The new establishment of two earldoms took place without any resistance or opposition, all such being totally suspended by the strict civil administration, and military power of Edgar's government.

Soon after the bishop's coming to this See, Kenneth king of Scotland desired an interview with his illustrious brother the king of England, of whose greatness and magnificence he had an anxious wish to be a spectator. To this purpose the English monarch commanded the two earls of Northumberland, and Elfsig the bishop, to conduct Kenneth to his court, where he met with such cordiality and hospitable reception, as occasioned an amicable treaty to take place, in which the Lothians, ancient appendages of the crown of Scotland, were surrendered up, and ever after united to that kingdom.

Edward was only fourteen years of age when he was crowned king of England. On his accession great dissentions appeared touching the succession, and a numerous party openly declared against him; but, being supported by the church, with Dunstan at their head, he was seated on the throne. It gave distress to many of the nobles to behold the kingdom under the government of that haughty prelate again, who had multiplied his deeds of absolute power with his years: But, now holding the regency, and the same rules of government established in Edgar's reign being supported, this was no season to struggle against the encreasing evils. All the church regulations of this short reign were in favour of the monks: In civil government we hear of no changes, or improvement of laws.*

This prince's miserable death, by assassination, took place in

* Lel. Col. v. i. p. 330.

the fifth year of his reign; the horrid circumstances of which stamp the age with an infamous stigma. From the tears and affection of the church, he was stiled saint and martyr, though his murder had not the least relation to any religious opinion.*

In the year 970, Etheldred, Edgar's son by Elfrida, ascended the throne, and was crowned by bishop Dunstan when he was about twelve years of age.

It is not important to that locality which gives such narrow bounds to this work, to pass through all the vicissitudes of circumstances and events which attended the first years of the young king's reign. It must suffice to say, that church authority began to wane when bishop Dunstan left the world; and the Danes, by repeated descents, distracted the southern provinces of the kingdom. The king is represented as an abject coward†, supine, and overwhelmed in the sluggishness of a weak mind possessed by avarice, and totally divested of every principle of virtue and honour. Under such a prince, it is not astonishing that the reins of government should be relaxed, military spirit languish, and anarchy be seen making prevalent strides towards universal confusion; or that armies should fly before the enemy; that commanders should be treacherous; and ministers, with the most abject ignorance, or the most depraved corruption, push on measures unconstitutional, impolitic, and destructive. Such were the calamities which marked this unhappy æra. The annals of Edgar were yet recent and in memory, in which, not only Peace cultivated her olives, but also military ardour planted young laurels, which spread themselves over the palaces of princes. The sovereigns of Wales, Scotland, Ireland, Man, and the isles, were his dependents, without the coercion of the sword. It is not necessary that the laurel should be nourished by blood: It flourishes in the regions of virtue; and honour conquers more than the sword.

* Edward passing one day, as he was returning from hunting, near Corf Castle, where his mother-in-law Elfrida resided with her son Ethelred, rode off from his company, in order to pay her a visit. Elfrida being told the king was at the gate, ran to receive him, and urged him very earnestly to alight, and take some refreshment. But as the king's design was only to pay his respects to his mother-in-law, as he went by her castle, he only desired a glass of wine to drink her health. Whether Elfrida had already formed a design of destroying the king, to make way for her son to the crown, or that favourable opportunity put the thought in her head, the young king had no sooner lifted the glass to his mouth, but a ruffian stabbed him in the back with a dagger. Perceiving himself wounded, he set spurs to his horse, which soon carried him out of sight; but not being able to keep his saddle, by reason of the loss of blood, he fell off his horse, his foot hung in the stirrup, and he was dragged a great way before his horse stopped, just by a poor blind woman's house, that stood in the road.—The people sent after him by Elfrida, tracing him by his blood, found him dead, and his body miserably mangled. Elfrida, imagining she could conceal this horrid deed, known only to her domestics, ordered the corpse to be thrown into a well: But it was found there a few days after, and carried to Wareham.—Rapin. † Malms.

Elfsig*, having presided over the See of Chester for more than twenty-two years, departed this life in the year 990, and was succeeded by

ALDUNE,

who came to the See in a most unhappy æra; for, besides the inauspicious character of the king, such troubles were impending, as this island had not yet experienced, although its earlier history is stained with so much bloodshed and distress.

The Danes, having desisted for some time from their acts of piracy and rapine, made the English conclude other pursuits had engaged their attention. But, alas! this interval of peace was merely delusive, and filled with vain hopes; for the year next succeeding the bishop's consecration, with a numerous army, they landed on the southern coasts of Britain. The king intimidated, without power to resist, or wisdom to avoid the wretchedness which ensued; without an army, without fortitude of mind, and every other aid the exigency required, had recourse to the councils of Syric archbishop of Canterbury, who, with as little foresight as his sovereign, advised a large sum of money to be given to the invaders, to stop their depredations, and quit the land.—This project had not only its immediate effect, but also its certain consequence; for, though the present evil was relieved, the rich bait induced new armies of necessitous wretches to seek the golden shores from whence their countrymen returned enriched.—Within two years, another fleet appeared, and landed troops on the north side of Humber. They made grievous depredations on the province of Northumberland, assailed and took the castle of Bebbanburg, where they found much treasure; and, after plundering it of every thing valuable, destroyed and defaced as much of the works as they could.† In this descent, the unhappy consequence of having leaders of foreign extraction or connections was demonstrated; for, when a large army of English were drawn up in order of battle, to oppose the invaders, the commanders turned their backs, left the field to their countrymen, and the troops to be cut down or dispersed by the enemy. On this occasion, the former mode of pacifying the invaders was again renewed. We are not told whether the See of Chester suffered any thing by this invasion.

In the year 995, Sweyn king of Denmark, and Olaus king of Norway, allured by the accounts of English wealth, and the total relaxation of military spirit, which those who had lately visited the island perceived to prevail with the inhabitants, were desirous

* Angl. Sacra. p. 701. Sym. Dun. p. 138. † Hoveden—Lel. Col. v. iii

of partaking in the lucrative expeditions their countrymen had experienced; with a powerful fleet they entered the Thames, and from thence, spreading themselves into divers parts, gathered much plunder and spoil. It seems that a party of the invaders infested the northern coasts at the same time, which induced bishop Aldune, with the whole body of religious settled at Chester, together with their vassals and dependents, to quit that place and travel to Ripon, carrying with them the remains of St Cuthbert, the holy relics, and riches of the church; and also their cattle, goods, and effects.

The See, which had been settled at Chester for 113 years, was for ever removed from thence, and that place totally deprived of all the wealth and honour dependent thereon. The incessant troubles which distracted the province of Northumberland from the time the See was first settled at Chester, give little prospect of any considerable advancement having taken place in literature, arts, sciences, or manufactures, during that period; nor of the bishops having been distinguished for learning, peculiar acts of piety, or good works. The rights of the church were not invaded, and the society of ecclesiastics in the monastery contented themselves in the exercise of their religious function, and the tranquil enjoyments of the cloister. The laws which were ordained, and had peculiar direction to the vices of this province, do not prove, that, even in the uncultivated ferocity of many of the inhabitants, they were guilty of more enormous crimes than the people of other parts of England. Architecture had gained few improvements. Alfred first reformed the buildings, by substituting stone and brick edifices for those of wood, wattlings, and mud, which were the only materials in general use before his time. Yet it does not appear, that even this improvement had taken place in the north; for the church of Chester was built of wood. Upon the whole, the intercourse with the Danes seems to have introduced nothing but evil; they appear to have been mere savages, barbarous in their manners, ferocious and uncultivated; and, like a troop of wolves, came upon the distracted villages, carrying nothing but desolation and horror in their progress. If they brought no benefits which have survived to posterity, they have left us one memorial of their execrable existence, the dregs of a guttural language; than which the tongues of Africa, and the coasts of Guinea, or of the wild nations of America, are not more disgusting.

Ethelred, who had no more conduct than courage, not knowing how to put a stop to the ravages the Danes were committing, had recourse to the same expedient made use of on the like occasion, and bound himself by treaty to pay them a large sum of money, as it is

said, not less than £16,000.,* at a stipulated time, on condition they should depart the kingdom. The tax for raising the money thus appropriated, was called *the Danegelt;* which, it is observable, the clergy and monks always found means to elude.†

During the interval of peace, the bishop, with his whole train of attendants, took up the holy relics, their herds and flocks, and all their effects, and left Ripon, intending to return to Chester, after an absence from that church of about four months. As they approached the ground where Durham now stands, by a miraculous interposition, the monkish writers tell us, the carriage on which the body of St Cuthbert, with the other relics, were born, became immoveable, at a place to the eastward of the present city, called Wrdelau. From this miraculous resistance the ecclesiastics determined Heaven would not permit the Saint to return to his former resting-place. Yet they remained ignorant of the situation appointed to receive their holy charge. The ground where they then sojourned, did not seem suitable to the residence of so numerous a body of attendants, being in the middle of a plain or open field, and a place uninhabitable. Such is the description given of it.‡ The bishop admonished his company, that they should fast and pray until the will of Heaven was revealed. Accordingly, after much pious abstinence, self-denial, and prayer, Eadmer, one of the most favoured of the attendants, received the revelation, and Dunhelme was pronounced the place decreed by the Powers above for the holy Saint's rest on earth. Tradition says, the place, by the revealed name, was wholly unknown to the bishop and his attendants, who wandered about for some time in search of it; and that the discovery was accidentally made by a woman's enquiries after her cow, which strayed in Dunholme. The ancients had much superstition touching the foundation of cities: A sow and pigs was the omen which distinguished the ground the deities ordained should receive the first foundation of Rome: A more beneficent animal Nature could not have produced than a cow, to point out the seat of this rich See. Though this story is not recorded in any of the monastic writers, yet it receives some credit from the sculpture on one of the towers of the present cathedral, where the cow is represented with her attendants.§

A mount towards the eastern coast, called Wardenlaw, is presumed to be the Saint's resting-place; but being near the coast, and a very few miles from Weremouth, could not be called an uninhabitable station. Weremonth was well known to the reli-

* Sax. Ann. † Rapin. ‡ Sym. Dun. p. 139, 140, &c.
§ Lel. Col. v. iv. p. 39. v. vi.

gious of Chester: Besides, it is wonderful how the bishop and his followers, with their cattle and servants, in coming from Ripon, should pass down that part of the country. Symeon gives the name, Wrdelau; and Leland, in a note to an extract from one of the monastic authors, not named, *De episcopis Lindisfarn. & Dunelmensis.* Col. v. ii. p. 330, says, "*Nunc Wadele, ubi Ædes "olim monachis recreandi gratiâ concessæ.*" The name Leland gives, is not happier than Symeon's, and is as little known. It appears by the foregoing, that the monks had here a *camera*, as erections, of the like nature, are stiled in the church records, being places of summer relaxation, and retreats for country recreation.* Places of royal residence were stiled, *cameræ;* "Londi- "num camera regis Angliæ."† It seems doubtful from hence, that the mount called Warden-Law is not the place, as there are no traces of any erection there. Leland's term, Wadele, supposing it the mode of pronouncing it, Wardale, is too diffuse to give any help. To fix upon the place, the reader must therefore be left to those conjectures which he will find in the sequel, under the description of Durham, and its environs.

No sooner had the bishop received this divine revelation, than he, with his followers, advanced with thanksgivings and much joy to the appointed place; where, to shelter the holy relics for the present, they erected a small ‡ church of wood, called Devirgis; after which they erected a more complete edifice, constructed after the general order of buildings at that time, of posts wattled with branches of trees, and covered with a compost of clay and cut straw, or perhaps lime, and it was called White-Church.§

Symeon and other writers have given the following description of the place: "That Dunhelm was a place strong by nature, "but not easily rendered habitable, as it was overgrown by a "thick forest: In the midst was a small plain, which had been "used in tillage." The name, most authors have conceived, is compounded of *dun* and *helm*, and that their etymology is expressive of the nature ‖ of the place, as *dun* (Sax.) a hill; and *helme*, or *holme*, a plain, surrounded by water. Coke, on Littleton, defines *holme* or ¶ *hulmus*, an isle, or fenny ground. The

* Lel. Col. v. i. p. 330. † Selden, Mar. Claus. 2. 22. Vide Muggleswick, v. ii.
‡ Now St Mary's. § Sym. Dun. p. 142. 145.

‖ *Dunum-Dunseti*, mons, monticulæ. Sed ut *berig* atque inde bergium, a *monte*, ad civitates, oppida et villas transferuntur; ita quoque et *dun* et *dunum* de iisdem dicta sunt: proprie tamen quod situm montanum, vel acclivem appetant.——Spelman's Glossary, p. 186.

¶ Hulmus—Anglis, Danis, Germanis, *Holm*. Locus insularis; insula amnica, etiam marina, *Holmes* etiam dici animadverto depressiores humi planicies, plurimis rivulis et aquarum divortiis irriguas.——Spel. Gloss. p. 302.

acceptation of the word *holme* at present is, to denote a low situation, plain, or valley. *Helm* is a Saxon word for armour, or defence to the head; in French, *heaume*, and Italian, *elmo;* and most possibly in this case the word *helm*, annexed to *dun*, denominates some works of defence; as Ravensworth-Castle, in ancient records, is called Ravens-Helm; and other strong places which may be brought in inference. The lofty mount on which the octagon tower of the castle now stands, has the countenance of great antiquity. The word *helm*, in the present acceptation of the northern counties, denotes a shed or shelter; and it is not impossible, indeed, but the name arose from the *helm-de-virgis*, which the ecclesiastics first erected to shelter their holy relics. In an old book, mentioned by Leland in his Collectanea, called Bibliotheca Eliotæ, it is said, that "Donum is a county in England "called Durham;"* or it may come from Saxon derivation, Deorham, the city given to God, or God's city. If the ground, being a free gift, gave occasion for its name, no need to seek for distant etymologies, but reconcile Symeon's way of writing it into a corruption. In many instances in more modern times, it is wrote Duresme, which corresponds with the present name, making therein the letter *s* a liquid, and *h* a mute, though it precedes a vowel, yet an unsounding letter in Durham.†

In the year 995, the translation of St Cuthbert took place, and three years after raising the little tabernacle of wood, or the *Alba Ecclesia*, a church of stone having been begun and dedicated by the good bishop, the remains were deposited there. Symeon says, with the assistance of all the people, Uchtred earl of Northumberland giving aid therein, the forest was soon destroyed, the ground cleared of wood, and rendered habitable. The whole inhabitants between Coquet river and Tees are described as contributing to these works. The new church was dedicated by Aldune, "pridie nonas Septembris," being the fourth day of September, A. D. 999; and the body of St Cuthbert was placed therein with much solemnity and holy joy.‡ The bishop did not live to complete this edifice, though he survived the time of dedication eighteen years; for the west tower was left for his successor to finish. Symeon's saying that earl Uchtred aided the work, confounds the chronology of other historians, who relate, that Eadulph earl of Northumberland was succeeded by Waltheof the elder, who was Uchtred's father. But in that age of distress and confusion, and after two earls had been appointed upon a division of the province of Northumberland, it is no wonder such contradictions are found. Hoveden, and the Melros

* Lel. Col. v. iv. p. 136 † Symeon p. 144, 145. ‡ Ibid. 148.

Chronicle, make Waltheof successor of Osulf, and do not name Eadulph.

The possessions the bishop brought with the See to Dunhelm, modernly called Durham, were the same as possessed at Chester, Lindisfarne, Norham, Bedlington, Warkworth, and the whole territory between Were and Tyne.* It will appear in the sequel, that the royal grant of Guthred, confirmed by Alfred, was not extended further than the river Were towards the south; and it will be shewn, that the earldom of Sadberg was constantly held separate, and was in the crown at the time of K. Rich. II., the wapentake extending from Hartlepool, almost to the head of the river Tees, and including a great width of country; and that, by several successive donations, parcels of the remaining part of that tract of country between Tees and Were became the possessions of the church. Billingham and Gainford were early granted; but, as before shewn, were forcibly with-held from the See.

In the presence of the king at York, archbishop Wulstan, and Aldune bishop of Durham, with many others of the chief personages of the realm, Styr, the son of Ulphus, gave to St Cuthbert, Darlington with its appendages, together with lands in Coniscliffe, Cockerton, Haughton, Normanby, and Seaton. Also, about the same time, Snaculf, the son of Cykell, gave Bradbury, Mordon, Socburn, and Griseby, with the appendent privileges of Saca and Socne, all south-east of the river Were.†

The monastic writers name certain lands and tenements which the bishop of Lindisfarne and Chester, in the times of public calamity, yielded up to the earls of Northumberland; of which Aldune is said to have resigned twenty-four villas, as an aid towards prosecuting the wars of those times; but which the earls did not afterwards restore to the church. They are thus named to us:—Gegenforde (Gainford), which bishop Egred founded and gave to St Cuthbert: Cueorningtun, and otherwise wrote Cueorvington, (Snotterton); Sliddenesse, alias Sliddesness (Sledwish); Marawnda, alias Marawuda (Marwood); Staunton, alias Stantun (Stainton); Stretlea (Streatlam); Cletlinga (Cleatlam); Langudun, alias Langatun (Langton); Mortun (Morton Tinmouth); Persebrige (Persebridge); II Aclit (Two Aycliffs); Cop-land (Copley); Bincestre (Binchester); Ticlea, alias Tutelea (Thickley); Ediscum (Escomb); Wudetun, alias Wuddetun (Woodham); Hunewic (Hunwick); Neowatun, alias Newatun (Newton); and Helme (Helm): These were north of Tees, and south of Were: Weardsettle, alias Weardesfesde (Worsall); Bereford (Barford); Stretfird, alias Stredford (Startforth); Lir-

* Symeon, p. 148. † Lel. Col. v. i. p. 330. v. ii. p. 377.—Symeon p. 149.

tingtun, alias Lyrtingtun (Lartington); Cuthberttun, alias Cuthbertestun (Cotherston); on the south side of Tees. It is not said when or by whom the last mentioned lands were granted to the church, Gainford excepted; and it must be observed, that had the ancient royal grants comprehended the whole territory betweed Tees and Tyne, the smaller donations before noted would not have been made.*

Aldune held jurisdiction over the church of Hexham, and nominated thereto, as appears by various testimony.† No account of any exercise of civil jurisdiction to this period, other than that right of judicature which the thanes or barons, and lords of manors, held of Sac and Soc, with Infangtheof; nor even of the due execution of those powers by the bishops. Selden, in his titles of honour, p. 641, says, That the counsel of Anthony Beke bishop of Durham, in his assigning of errors in parliament, upon a judgment of seizing his liberties, given against him by the justices in eyre of Northumberland, under K. Edward I., alledged, "that the bishops of Durham have, from ancient time, had *omnia jura regalia & omnes libertates regales infra libertatem suam Dunelmensis, a tempore conquestus Angliæ & antea.*" It hath not appeared that there was any exercise of regal jurisdiction, or enjoyment of regal rights, before the conquest. Symeon, one may rest assured would omit no evidence to aggrandise the church, and he never notices it.

Whilst the bishop and his convent were settling matters relative to their church at Durham, Ethelred encountered innumerable embarrassments with domestic, as well as foreign enemies, but particularly from the Danish invasions. Ethelred, complaining that Cumberland had not aided him against those invaders, or contributed its proportion of money towards the sums granted them, agreeable to treaty, marched a powerful army into that country, where he committed those ravages which disgrace the age. The most uncivilized nations were never more rapacious, inhuman, and revengeful; even carrying the natives into slavery, like the horrid trade on the coasts of Guinea, was a familiar practice: Butchering, maiming, and whatever dreadful names have been given to cruelty, were exercised: Sacking, pillaging, burning, and laying desolate a miserable country, marked the unhappy progress of such armies. But Ethelred's expedition was confined to a narrow province, and was soon revenged upon his own territories. The Danes, returning from an expedition against Normandy, over-ran many of the richest parts of England, collecting a great booty. The timorous prince, surrounded by

* Lel. Col. v. ii. p. 577.—Symeon, p. 150. † Lel. Col. v. ii. p. 378.

distracted councils, deserted by many of his subjects, who would not fight against the invaders, or secretly abetted them, himself inconstant of mind, and divested of every military habit, had recourse to the former expedient, and granted them a premium of £30,000., an immense sum in those days, for restoring peace to his subjects, and withdrawing their armies from the country.*— The Saxon Annals, Hoveden,† Matthew of Westminster,‡ and several other authorities, assert, that it was done by the advice of the Wittenagemote, or great council of the state. Although the chief body of the Danes quitted the country, yet many remained, and settled here, joining their countrymen in East-Anglia and Northumberland, obtaining possessions in land; and, wherever they were dispersed, such was their insolence, and the fear the natives had of their pride and cruelty, that they obtained the name of *Lord Danes:* A denomination that carried detestation with it to the suffering inhabitants, whose toils were exerted to raise the Dane-gelt, and perform the services those task-masters imposed on the vassals of their lands, without mercy.

Ethelred's queen dying, he married Emma, sister of Richard, second duke of Normandy; which alliance giving him hope of succour and defence against the foreign invaders, he is said to have projected the cowardly and brutal massacre of the Danes which shortly ensued.‖ The unhappy project was attended with

* For the payment of this money, every hide of land was taxed yearly twelve pence; or, as some authors say, two shillings.§ A hide of land is such a quantity of land as may be ploughed with one plough in a year. Bede reckons it as much as will maintain a family. Some say it was an hundred acres; others, that it contained no certain number of acres. The distribution of England by hides of land is very ancient, mention being made of it in the laws of Ina. *Dane-gelt* was the first land-tax in England. It was afterwards called *hidagium*, which name remained afterwards upon all taxes and subsidies imposed on lands. The Normans called these sometimes *taxes*, sometimes *tallages* and *auxilia* and *subsidia*. The Saxon kings before this, had their levies of money, and personal services, towards the building and repairing cities, castles, bridges, military expeditions, &c. which from the word *bote*, that is, repair, were termed *burgbote*, *brigbote*, *heregeld*, &c. The Dane-gelt was released by K. Edward the Confessor, but levied again by K. Wil. I., and II., K. Hen. I. and Stephen, and continued to be collected as low as the 21st Hen. II., and probably later. This ancient tax was a precedent for our land-tax.——V. Leg. Edw. Confess. c. 12.

† Hoveden, p. 429. ‡ Mat. West. p. 386.

§ Sir Henry Spellman in his Glossary, p. 292, makes the number of hides in England amount to 243,600; consequently the gross produce of this tax, at 2s. per hide, would, at that rate, amount to £24,360.; a very great sum to be annually raised at that period. In the reign of William I., it was, in one instance, encreased to 6s., and in that of William Rufus, to 4s., for each hide. In the reign of Henry I., it was 3s., and in that of Stephen, 2s., per hide.

‖ To execute this project, orders were conveyed so privately throughout the kingdom, that, in one day, all the Danes were slain with such implacable fury and cruelty that the particulars cannot be read without horror. Sweyn's sister, for her beauty called the *Pearl of Normandy*, who was married to an English lord, having at first been spared, Ethelred was so barbarous, as to cause her children to be murdered in her

so many unpropitious circumstances, and brought on so many deplorable consequences, that it astonishes the mind, touched with tender feelings, how it could ever enter into the devices of a Christian heart. But cruelty and cowardice are inseparable.—Sweyn king of Denmark received intelligence of this bloody catastrophe by some emissary from England; for the murderous sword could not possibly be extended over Northumberland, where the greatest part of the inhabitants were Danes. In abhorrence of so barbarous an act, and in revenge of the death of his sister, whose fate was peculiarly severe, he projected an expedition against England, the old motive of plunder and pillage being only secondary in this transaction, which originated in a vow of vengeance, and to correct a prince and people whose hands were embrued in innocent blood. With 300 sail of ships he approached the shores of Cornwall, and landed his troops there. He marched his army to Exeter, reduced the town to ashes, and put the inhabitants to the sword, as an example he proposed to follow in his progress. He pillaged and destroyed a large tract of country, without opposition. At length the king's army, under the command of Alfric duke of Mercia, opposed him; and the battle array was formed, when the English leader, in resentment of injuries he had formerly suffered from the king, betrayed his trust, deserted his troops, suffered the army to be routed and dispersed for want of a commander, and gave up the country to be wasted and depopulated by the enemy. Sweyn employed the rest of the summer in pursuing his warfare; but, before the winter storms set in, withdrew his troops, and departed for Denmark. He returned in spring, landed his army in East-Anglia, and began his operations by destroying Norwich. He was opposed by a body of English, and, with great loss and difficulty, claimed the victory. Providence was against the king; he miscarried in every attempt. His folly was not greater than his cruelty, which through private acts of severity, weaned many of his nobles from their allegiance. His councils were dissentaneous and distracted; his courtiers false; his commanders and chiefs treacherous and disloyal; and his people abject and dispirited. Amidst all the public calamities, and the diffidence in those who should support the state, it is astonishing that the avarice of the clergy, and particularly of the monks, very much helped to encrease the distresses of the kingdom: For notwithstanding their great riches, they refused to contribute their pro-

presence, and then her head to be cut off. This bloody tragedy was acted on the 13th November 1002. It was greatly similar to the massacre of the Romans by the Britons under Boadicea: Not only the like barbarities, but the same consequences, attended both.——Sax. Ann.. Huntingd. Mat. of West. Rapin, &c.

portion of money necessary for the defence of the crown, pleading their privileges and immunities, as if they had no share in the danger. An ensuing famine drove the Danes from the land, and gave the miserable people a respite from war, only to perish by want.

The calamities of the country being relieved by the ensuing harvest, the Danes renewed their descent near Sandwich, and wintered in the Isle of Thanet. Ethelred had no expedient to relieve his country from the plunderers, but by agreeing to pay them the like sum of £30,000. The Danes, from the repetition of those compositions, at length claimed an annual tribute from England. It would be a melancholy recapitulation to go through the succession of calamities which befel this country during Ethelred's reign: It suffices to say, that such was the power gained by Sweyn king of Denmark in the year 1013, that Ethelred, besieged in London, with some difficulty escaped with a few faithful attendants to Normandy; soon after which Sweyn was proclaimed king of England. From the authority of Godwin it appears, that, in these times of public calamity, one bishop had the care of the education of the king's sons, Alfred and Edward, born of Emma, his second queen; and that he attended them with their mother into Normandy, where he left them under the protection of duke Richard, their uncle. How this act of pious duty was relished by the usurper, is not said; and indeed the fact seems doubtful from the hazard the church was in from such a daring piece of virtue, which militated so powerfully against Sweyn's hopes of establishing the succession to his own issue.

Sweyn exercised no other remarkable act of authority but the imposition of a grievous tax upon the country for payment of his troops; for, either by poison or accidental death, he did not enjoy his conquest the space of one year, and was never crowned king of these dominions. On Sweyn's death, the Danes proclaimed Canute, his son, king; but the English recalled Ethelred, the short experience they had of Danish government being intolerable.

The king, on his restoration, did not display any examples that the corrections received in the school of adversity had gained him wisdom; for his first attention was to revenge, upon part of his subjects, an affront he conceived they had offered him; and it was only a secondary consideration with him, that he had to oppose his people's enemy. Canute did not think it expedient, at that crisis, to oppose the king's army; but, by a regular and well-conducted retreat, he brought his troops to the sea-shore, and embarked them for Denmark. The Danish historian says, that Canute's younger brother, being left regent, on the death of

his father usurped the throne, which obliged Canute to repair immediately to his own country to recover his inheritance, and the crown of his ancestors: That business being effected, he returned with his victorious army to England, and landed at Sandwich, to assert his right to his father's conquests. Strange dissensions appeared in the king's party; the army would not move, unless headed by their sovereign, who, in abject cowardice, feigned sickness, and shut himself up in London. Though the king's son Edmund, who had much knowledge and personal courage, used every effort to win the troops to the field of honour, on the king's not appearing to command them, they disbanded themselves and returned home.

A second army was levied; but though the king was induced by his son to appear at their head, he had not courage to lead them against the enemy, pretending he feared some treachery devised to surrender him into the hands of his foe. At length, he withdrew from the army, and got privately into London.—Edmund, under these discouraging circumstances, retired into the north, and joined himself to Uchtred earl of Northumberland, who married his sister Edgina; But, after some weak efforts in the northern districts, Uchtred was obliged to submit himself to Canute, and Edmund got secretly into London. Such a complication of misfortunes, with so weak a mind as Ethelred displayed, at length brought him into a languishing state of health, and, in the year 1016, he departed this life in London, in the 50th year of his age, and 37th of his reign; leaving his kingdom in the most deplorable state that any country or people ever experienced.

Edmund, his eldest son, who, from his robust form and manly courage, was surnamed *Ironside*, was proclaimed king. Under this succession, after many severe struggles, London being thrice besieged, and as often repulsed the besiegers; and the young king having experienced the repeated treacheries of Edric Streon, the infamous duke of Mercia, his brother-in-law, a treaty of peace was concluded, by which Mercia, East-Anglia, and Northumberland, were consigned to Canute; and Edmund held the rest of England. But this peace had not subsisted long before Edmund suffered death by assassination, and the contrivance of the duke of Mercia, he not having accomplished the first year of his reign, leaving two sons of tender years.

On Edmund's demise, Canute insisting it was a provision of the compact made on the division of the kingdom, that the survivor should possess the whole, and his power being irretistible, though his allegation was esteemed a mere contrivance, the nobles

thought it expedient to submit to his claim: He was therefore proclaimed, and soon after crowned king of all England.

Having taken a short view of the state at large, it is necessary to look back upon Northumberland, to remark the changes and events which took place there within the foregoing period. According to Symeon's account, Uchtred was earl of Northumberland when the See was translated to Durham, and the new church erected there. Rapin says, on Uchtred's submission to Canute, he was continued in his government, though but for a little while, as he plainly saw the earl had changed sides purely by compulsion, and had reason to fear he would not remain faithful; so he caused him to be put to death, and placed Eric, a Danish lord, in his room.* It is observable, this respectable author shews no authority for this relation. Afterwards, on Canute's being crowned king of all England, he says, that the king made Eric governor of Northumberland, on his division of the country into four governments;† so that Eric's coming to the earldom, and Uchtred's death, appear not to take place till after Canute's coronation. From Hoveden,‡ and the Saxon Chronicle, it appears, that Uchtred's death was effected in this manner: He being required to attend Canute in person, to do homage, for which he had received the royal mandate of safe conduct, was notwithstanding assaulted in his passage, from an ambush laid for him by Turebrand, a noble and rich Dane,§ and slain, together with forty attendants; which crime was believed to have been perpetrated with the knowledge or connivance of the king.‖

Northumberland was distressed by incursions of the Scots.—Ridpath, in his Border History, has the following relation. Malcolm king of Scotland made an incursion into this province; and, committing great ravages therein, Waltheof their earl, debilitated with age, shut himself up in the castle of Bambrough; whilst Uchtred his son, a youth of great intrepidity, having assembled and armed a numerous body of Northumbrians, attacked and almost destroyed the Scots army; their king, with a few of his attendants, escaping with difficulty from the field of battle.—In reward of this gallant and important service, Ethelred conferred on Uchtred the earldom of his father, then living, adding to his jurisdiction the southern division of Northumberland, again uniting the whole province in one earldom. This incursion most probably took place by way of reprisal for Ethelred's destroying Cumberland; as no other cause appears in history for the Scots to assist in aggravating the miseries of this reign. But

* Lel. Col. v. i. p. 143, 284, 325. † Malms. l. ii. c. 11.—Hunt.—Sax. Ann.
‡ Hoved. p. 434. § Flor. and Hoved. ‖ Lel. Col. v. iii.

the calamities prepared for the Northumbrians by their northern foes did not cease there; for after Canute's coronation, Symeon says, that great distress having been predicted by a tremendous comet in the year 1018, the Scots with a numerous army, entered the borders, and were opposed by the Northumbrians at Carrum, their army consisting of all the fighting men between Tees and Tweed, with the nobility and chieftains of the greatest eminence and valour; an army as well the most numerous as best accoutred and arrayed, that Northumberland, in any period of its history, had carried into the field, composed of the flower of those who held lands under the See of Durham. The Scots were victorious. The slaughter was dreadful, the greatest part of the Northumbrian army being cut to pieces. So greatly was this misfortune felt, that many parts of the country were almost depopulated by the fatal catastrophe. This battle, though mentioned by several authors, is placed in contrary and uncertain æras: Such is the historical confusion of those times. Symeon says, that the good bishop was so greatly afflicted with the loss of so many of the chieftains and people of the lands of St Cuthbert, that, through unremitting grief, his health declined, and he departed this life in the year 1018, in the 29th year of his episcopacy, and the 24th after the translation of the See to Durham. He was said to be by birth noble; but nobler for his virtuous and holy life. If there is any foundation for supposing he had the tuition of queen Emma's children, he was rather singular in his purpose of putting them under the care of their uncle; few prelates, in those days of confusion, appearing to intermeddle in matters of state. Whilst other ecclesiastics are said to have refused their aid to the crown, pleading the immunities of the church, it is said he resigned twenty-four villas to support the province of Northumberland with men. It is to be presumed, that the lands granted to the church were liable to furnish troops, as the fatal field of Carrum cut off so many of the people of St Cuthbert's territory. Before this instance, no positive mention is made of those people serving in war. It might, however, not be new or uncommon; but this is the first evidence that appears in history to evince it. The bishop's character was truly celebrated, as well for his religion as humility; beloved of all good men, both for wisdom and the excellence of his life.*

About the latter end of the 10th century, constitutions, or canons, were made for the regulation of the Northumbrian clergy, and other matters within the ecclesiastical jurisdiction, stiled, *Northumbrensium Presbyterorum Leges.* They bear no marks of

* Lel. Col. v. i. p. 350. v. ii. p. 577—Sym. Dun. p. 151, 152—Angl. Sacra.

the time when, or place where, they were made: Nor does it any where appear who was the author, or that they had the sanction of any regal authority. The only ground to form conjecture upon, with regard to their date, is their being subjoined to the laws of Edgar, in the Saxon MSS. in Corpus Christi College, Cambridge:* And thence Sir Henry Spellman conjectures, they were drawn up by archbishop Oswald. It appears by the 56th article, that they peculiarly belonged to the province of York.—Oswald was, at the same time, archbishop of York and bishop of Worcester, and a strict disciplinarian, though not rigid in his own conduct, as appears by his contempt of the canons, in holding plurality of spiritualities. The most singular of the constitutions are,

6th. Si presbyter archidiaconi edictum negligat, solvat xx oras.‡

15th. Si presbyter in *ligneo calice* Eucharistiam consecrat xii oras.

35th. Si presbyter *concubinam* § deserat, et aliam accipiat anathema sit.

Many articles follow, touching the people's exercise of Heathenish rites, with penalties proportioned to their dignities and estates.

54th. Si conventus superstitiosus sit in alicujus terra, extra *(circum)* lapidem, vel arborem, vel lanam *(fontem)*, vel aliquas ejusmodi nugas, tunc solvat, si quis hoc fecerit pænam violatæ legis, dimidium Christo, dimidium terræ Domino. Et si terræ Dominus ad disciplinam auxilium præbere noluerit, tunc habeat Christus & Rex hanc compensationem.

The 55th prohibits buying and selling on the Sabbath-day, performing any work or labour, or travelling with carriages, or on horseback, and carrying burthens.

The 57th directs the collection of the *denarius Romæ*; for which duty two thanes and one priest in each wapentake should be appointed.

These latter, and several others of the succeeding constitutions, have the complexion of civil jurisdiction.

After bishop Aldune's death, the See remained vacant for three years. Wharton says, *Propter tumultus bellicos.* But the historians do not relate any circumstances of warfare or tumult in that

* From the information of Mr Harrison of Durham.

‡ Ora, æ. Domesday. Nummos apud Saxones nostros qui valebat 16 denarios; duæ oræ 32 denarios.——Spellman's Glossary, p. 434.

§ Collier argues, p. 200, that *concubina*, in this place, means a wife; being a contemptuous term given by a favourer of the monks, in derision of the marriages of the secular clergy.

period which might impede the election. Symeon's words are: "Defuncto Aldhuno episcopo, tribus pene annis æcclesia pastorali destituebatur solatio. Cujus longam destitutionem hi qui in ea fuerant moleste ferentes, facto in unum conventu tractabant, quem ex sese ad episcopatum eligere possent."* It had been the custom from the first erection of the See, on the decease of their prelate, for the chapter to elect a successor, who was a monk; yet the religious body were secular clergy. They were perhaps anxious to appoint one of their own body to the episcopacy; and, from their divisions and delay, it seems there was not a man amongst them of such character as was eligible to that high function, consistent with the dignity and eminent virtues of those who had filled the See. Malmsbury says, it was usual before the Norman conquest, for the religious body in chapter, whether they were monks or prebendaries, to elect the succeeding bishop.

Whilst the ecclesiastics sat in chapter to agitate this important subject, a priest called Eadmund,† descended of noble progenitors, but of a facetious character, entered the church, and being informed of the nature of their deliberations, and their divisions, in a jesting manner exclaims, "Why cannot you make me a "bishop!" The assembly, startled at the question, and knowing him to be a man of strict piety and religious virtue, received this interrogation in a more serious sense than he ever intended; for they conceived his coming there, and uttering these expressions, was by divine impulse. As many momentous concerns in that age were influenced by superstition, they determined that thus the will of Heaven had been pronounced to them, by an involuntary messenger, and all agreed in his election. Such was his humour, that it is said, at first he conceived the holy body, though met in solemn convention, were returning the jest upon him when he was told they had elected him. Being assured it was truth, he repented much of his facetiousness and jesting; would willingly have refused the nomination, and chosen to have enjoyed his secularity and benefice, with the pleasures of a life of liberty and ease, preferable to the solemnities and self-denial of the cowl; and the toil, religious care, and sacred burthen of the episcopacy. Symeon, according to the religious prejudices of those times, would not suffer the account of this election to pass to posterity without aggrandizing the event, by the relation of more miraculous circumstances. Accordingly he writes, that a confirmation of the act of the chapter was heard distinctly pronounced from the shrine of St Cuthbert: After which they laid hands on Eadmund, and constrained him to take the government of the church.

* Sym. Dun. p. 153. † Lel. Col. v. ii. p. 378.

In a short time after this election, Eadmund, in the most honourable manner, was presented to Canute, who approved and confirmed the act of the chapter, and commanded he should be consecrated. Eadmund had scruples yet remaining; his predecessors were all monks, and he was not willing to possess the See, until he had taken on him the religious habit: There he first went through the ceremonies of the tonsure, and then was consecrated at Winchester by Wulstan archbishop of York. Symeon fixes his election in 1020, and his consecration in 1021.*

Returning from Winchester, he visited the monastery of Peterborough, where meeting with Egelricus, a monk of strict church discipline, for whom he entertained a great affection, induced him to attend him to Durham, where he resided to the time of our prelate's death, as his bosom friend, and was his great assistant in the government of his diocese.

Whilst these matters were transacting in this province, the king was taking the most effectual measures to secure the crown to his posterity. He first devised a means of taking off Edmund's children, who were yet in tender years, but much beloved of the people.† Ethelred's two sons, by his queen Emma, were in safety, under the protection of their uncle the duke of Normandy. To obviate their claim to the throne, he proposed to the duke to take Emma to be his queen, and give him in marriage Estrita his sister; which being accepted, the solemnities were performed with great magnificence. Alfred and Edward were much averse to this connection, as they had been educated with a detestation of their family's mortal enemy; and the wrath this marriage gave birth to, in the minds of the princes, was much encreased by the queen's acceding to a settlement of the succession on her issue by Canute, in their deprivation.

Matters of state being thus settled, the king began to rid himself of those nobles whose crimes and vices he abhorred, and whose treacherous principles he feared. He banished Eric earl of Northumberland: Turkil duke of East-Anglia, another object of his wrath, fled in fear of his severer sentence; and Edric duke of Mercia he found means to get rid of, without the appearance of

* Sym. Dun. p. 154.

† He gave them in charge to one of his domestics to carry them into Denmark, under colour of sending them abroad to travel; but in reality, it was only to have it in his power the more easily to dispatch them out of the way, when their absence should have lessened the affections of the people. The person entrusted with the princes, being conscious of the king's designs, was touched with compassion for these innocents, and instead of carrying them to Denmark, conducted them to the king of Sweden, discovering at the same time his master's intentions. The king of Sweden gave the English princes a very civil reception; but however, not to quarrel with Canute, he sent them to the court of Soloman king of Hungary, his relation, who was willing to take care of their education.—Brompt. Knighton. M. West.

predetermination. Having reproached the king one day for not rewarding the important services he rendered him, in cutting off the life of the brave Edmund, his brother-in-law, in which, it is said, he even employed his own son to give him a mortal wound: The king answered in a rage, since he was so audacious as to boast of the horrid treason, of which he had only stood distantly suspected, he should receive his merited reward; and instantly commanded him to be beheaded, and his body thrown into the Thames: Which sentence was executed in the palace. Thus it is, that evil ministers, after they have served their monarch's basest wishes, are despised, dreaded, and at last cut off from the face of the earth.

Canute, having established excellent rules of civil polity, and taken every wise measure for the due and impartial administration of justice, at length saw himself possessed of the affections of his people, his government secure, and his realm in peace. In this happy season, he made expeditions to Denmark, and settled the government there; effected the conquest of Norway; and, having reaped abundance of laurels, after his return to England, gave his mind to the advancement of religion. This induced him to make a journey to Rome, from whence he returned to complete the religious establishment and pious works he had begun. The historians of that time, who were chiefly religious, transmit his actions to posterity with lavish praises: The more moderate affirm, that for some years before his death, he became humble, modest, just, and truly religious.

Our prelate was fortunate in entering upon his See in a reign when the inveterate enemies of the Christian faith were declining rapidly; and the Danes becoming Christians, appeared patrons and protectors of the church they so often injured. As if the king took upon himself the atonement and expiation of all the persecutions St Cuthbert's church had suffered from his countrymen, he visited the church at Durham; not in regal pomp, parade, and pageantry, but with the humiliations of a penitent, and with every solemnity of piety and religion. This victorious monarch's approach to the holy shrine, was an affecting spectacle of religious duty, which the spectator must have beheld with pious veneration, and great emotion of mind, which magnificence could not excite, or splendour effect. He, with his whole retinue, from a place probably named from the incident, *Trimdane*, proceeded in this holy pilgrimage by Garmundsway,† to the Saint's shrine, a distance in those days called five miles, divested of all ensigns of royalty, and even with naked feet. He made donations to the

* Malms.—Lel. Col. v. i. p. 140.

church of various lands; his mansion-house of Staindrope, alias Standrop, with its appendages, viz. Cnapatun; Scottun (Shotton); Rabi; Wacarfeld (Wakerfield); Efenwuda, alias Efenwuda (Evenwood); Alclit, alias Alcliff (Aycliff); Luteringtun (Lutrington); Elledun (Eldon); Ingeltun (Ingleton); Ticcelea (Thickley); Middletun (Middleston, or Middleton); also Brunton, which lies on the south of Tees. In the further progress of this work, occasion will be offered to remark the places called Garmundsway and Trimdane.*

The king, having spent several years in acts of devotion, departed this life in the year 1035, or 1036, in the 19th year of his reign, leaving his several kingdoms in peace to his children.—Sweyn, his eldest son, he appointed to reign over Denmark: Harold, his second son, England; and Hardicanute, his son by queen Emma, Norway; thereby totally counteracting the act of settlement made on his marriage, and disappointing the hopes of his queen. This disposition, however disagreeable to the English, the Danes were determined to fulfil; and Harold having, with much foresight, seized the royal treasure at Winchester, was enabled thereby to pacify some of the most violent in the opposition, and secure his coronation. Wessex alone refused for a time to acknowledge him their sovereign; but, Hardicanute not coming as they wished to possess the opportunity offered of receiving the crown of that province, the people were brought over by earl Godwin, who had great power amongst them, to accede to Harold's sovereignty.

Emma, much chagrined by this revolution, began to devise means of restoring her sons by Ethelred to the crown of England: and for that purpose sent to Alfred to come over from Normandy, that he might make himself personally known to the English nobles. But on his arrival, being betrayed by the king's party into a snare, concerted by earl Godwin, who had insinuated himself into queen Emma's confidence, he was carried to Guildford Castle, where his eyes were put out; and afterwards, being shut up in a monastery, he died through disappointment and grief. Soon afterwards, Emma was ordered to depart the kingdom, and retired to Bruges in Flanders. Harold did not survive these transactions long, having done few acts in church or state that were memorable. Leaving no issue, Hardicanute obtained a much easier means of accession than at that instant he was devising, being then at Bruges concerting means to recover the kingdom of Wessex: to which projects the news of Harold's death put a hasty conclusion.

* Lel. Col. v. i. p. 331. v. ii. p. 578. v. iii. p.—Sym. Dun. p. 164.

He set sail for England with forty ships, which escorted him from Norway. On his landing, he was received by both English and Danes with acclamations of joy. His coronation was no sooner over, than he committed an infamous act of indignity on the corpse of his interred brother and predecessor, which he caused to be taken from the sepulchre, beheaded and thrown naked into the Thames; Alfric archbishop of York, earl Godwin, Styr the chamberlain, and Edric the sewer, being employed in this execrable act of revenge.*

In the last year of Harold's reign, or about the time of Hardicanute's accession, in the 20th year of Eadmund's pontificate, about the year 1040, Duncan king of Scotland, with a vast army, made an irruption into Northumberland, and beset Durham, where many severe conflicts ensued; but at length, by a fortunate sally of the besieged, the Scots horse were put to the rout, the lines of the besiegers thrown into confusion, and the foot were cut to pieces. The heads of their leaders, collected together, were suspended on poles around the market-place.

It is remarkable that Symeon is the only author who mentions this assault, and assigns no cause for it. Besides, it is not said that Durham was made defensible, by nature strong and lofty, or that it had any fortification.†

There is great uncertainty and confusion in this period, touching the succession of the earls of Northumberland. Rapin speaks positively of the banishment of Eric, but gives no account who succeeded him. From other authorities, Eadulf, surnamed Cudel, is mentioned as Eric's successor, brother to Uchtred. He is represented as a man of pusillanimous nature and sluggish disposition. The surrender of the Lothians to the Scots is attributed to him, he thereby purchasing their alliance and peace.—There is much uncertainty, from the contradictory accounts given of that matter, when the Lothians were first surrendered and detached from Northumberland.‡ Uchtred, it is said, was slain by Turebrand. Aldred, Uchtred's son, was Cudel's successor, who revenged the death of his father by slaying Turebrand, and afterwards fell a sacrifice to the vengeance of Curl, Turebrand's son. Aldred was succeeded by his brother Eadulf. He had some disputes with the Welch, on whom he made depredations, which gave great displeasure to Hardicanute; to whose presence being commanded, in order to make retribution, and sue for terms of reconciliation, was slain by Siward, who succeeded to the earldom. Such were the prevailing customs and horrid manners of

* Malms. p. 76.—Sym. Dun. p. 180.—M. Westm.—Brompton.—Rapin.
† Sym. Dun. p. 165.—Lel. Col. v. ii. ‡ Ibid.

those days; times of imminent peril, when even the viceroys of such powerful provinces were cut off, in dreadful succession, by the hands of assassins, under the auspices of kings.

Eadmund governed his church with great dignity and honour. He was a man of excellent principles and rectitude of mind.—During his episcopacy the possessions of the church were greatly augmented, and its rights well maintained. He exercised jurisdiction over the church at Hexham, though his right was questioned by the archbishop of York, who, under his archiepiscopal authority, claimed to have the guardianship of that vacated bishopric.* He finished the western tower of the new church at Durham, begun by Aldune, and consecrated it.†

During this episcopacy, there was a priest belonging the church, called Ælfrid, a man of severe virtue, and religious austerity.—With this character he is also said to have lived in great sobriety; was a liberal bestower of alms, and studious of the powers of eloquence and persuasion. He was the terror of the lascivious and immodest, and held in high veneration by the pious and just; was zealously devoted to the service of St Cuthbert, and a rigid maintainer of the rights of the church. This man, by a vision, was commanded to collect, from the ancient monasteries and churches in Northumberland, the remains of holy personages buried there. He obtained the bones of Baltherus and Balfridus, anchorites; of Accæ and Alchmund, bishops of Hexham: and king Oswine; of the venerable abbesses, Ebba and Ethelgitha; all which he translated to Durham, and placed near the body of St Cuthbert. He also brought from Melros the bones of St Boisil, St Cuthbert's preceptor, which he deposited in a shrine near that of the Saint. He also translated to this church, from Girwy, the remains of St Bede; and did many other pious works.‡

The bishop, in the 23d year of his episcopacy, having travelled to Gloucester, to attend the king, was seized with a mortal disease, and died there. His remains were brought to Durham to be interred.

If credit is to be given to Symeon's evidence, our prelate, after his election, was not consecrated until after he had been presented to the king for his confirmation. It is the first instance in the history of this church of that practice, and perhaps was in consequence of some new establishment made by Canute.

At this period it may be necessary to observe upon a tenure of church-lands, which had gained acceptation in the province of Northumberland, and is attributed to archbishop Oswald.

* Lel. Col. v. ii. p. 378.

† Anglia Sacra. ‡ Symeon Dunelm, p. 161, 166,—Lel. Col. v. ii. p. 350, 378, 379.

Though it is not said in what manner, or on what conditions, the lands of St Cuthbert were held by the people, yet, by the preceding circumstances, it is self-evident they were held by military service; and notwithstanding the immunities of the church, and the exemptions of ecclesiastics from tallages to the service of the state, yet, as a royal thane, the bishop was obliged to do military service for his lands. Every donation in lands to the church would otherwise have been so grievious an injury to the state, as not to have received toleration, had such donations been an actual lopping off a member from the kingdom; in the limits of which, the people as drones, were to sit in sluggish ease, and give no aid in the field in times of peril. There were drones enough in the ecclesiastic habit who wielded not the sword. The case might alter in after times, and the military service become merely provincial, for such some authors have alledged it was, and the troops of this province, as guards to St Cuthbert's lands, called in after ages ST CUTHBERT'S PATRIMONY (after the example of the patrimony of St Peter at Rome), were not liable to serve beyond their limits. Of this, more in its place.

Under what grant, or articles of service, the lands of St Cuthbert were held by the occupants at this æra, is not known: But from the metropolitical example, it is probable they were under similar conditions and services.

Oswald granted several lands by his charter, stiled *Indiculum libertatis de Oswalds-Laws-Hundred*, specifying, by the letter of it, that it was made under the royal assent. The conditions of this tenure are as followeth:

That the tenants shall perform all the attendance and duties of those who serve on horseback.

That they shall be bound to all payments which belong to the privilege and customs of the church; that is *siricsceot*, *toll* and *tacc*, and *swinseade*, and all other dues belonging to the church, unless the bishop shall think fit to release any part of the terms.

They are likewise obliged to swear to comply with the bishop's orders, with all submission and regard.

Whenever the bishop's occasion shall require, they are bound to offer their service in person; to furnish him with horses, and ride themselves.

They are likewise obliged to keep the steeple of the parish church, where the estate lies, in repair; and assist in the building of castles and bridges.

They are also to impale the bishop's parks, and supply him with hunting furniture.*

* Various tenures of this kind appear, in the sequel, for the chace in Stanhope.

That when the bishop shall require their attendance, either for his own service, or the king's, they shall be ready for the juncture, and obey the chief officer of the bishopric, in consideration of the fee, and in proportion to the bulk of the land which every one holds.

After the expiration of three lives, the lands shall revert to the bishopric; at which term it shall be in the power of the bishop for the time being, either to enter upon the premisses, or make the tenant a new grant: Provided always, that the customary services due to the church are reserved.

If any of the articles or conditions happen to be broken by the tenant, he shall be obliged to make satisfaction, according to the usages of the bishop's court, or else forfeit the land.*

It was the declared opinion of the learned Sir Henry Spelman, that this was the usual mode of granting church-lands in those times; and that they were not conveyed for any longer term than life, or three lives; for so he asserts he found them in the abbey books. Those who had such grants, were the *thani episcopi*, and *thani ecclesiæ*, mentioned in Doomsday-book; and the lands in that ancient record are usually denominated *thane lands, ecclesiæ episcopi, & abbatis.*

EADRED

came to the See in 1041, by the most infamous practices. He was a secular priest, and in no wise calculated to fill this See, now become opulent and powerful. He seized the treasures of the church. and, by an immoderate gift, purchased a nomination from the reigning prince, who had as little virtue or religion as himself. But his iniquity had a short reign; for he was smitten with a lingering and painful disease, in which he became bedridden for ten months; and without enjoying the least fruits of his sinful purchase, departed this life detested and despised.†

Symeon, who relates this matter, leaves it totally in the dark in what manner this purchase was effected, and whether the king used any compulsory measures to obtain his election from the body of ecclesiastics, or he usurped a power of nomination, without their concurrence. If he came before the king with the chapter's election, the necessity of a bribe doth not appear. But it is most probable he was only recommended by the king, and never was made bishop, as nothing is said of his consecration.

During the detestable reign of Hardicanute, which continued only three years, Siward earl of Northumberland was in the commission for executing the king's vengeance upon Worcester,

* Reliquiæ Spelman, p. 41, 42. † Lel. Col. v. ii. p. 379.

which was sacked and reduced to ashes, for refusing to contribute to an enormous sum he demanded for payment of his navy.—The king is supposed to have died gorged with an over-meal, his whole time being debauched with gluttony and ebriety.—Huntingdon was a lover of that royal munificence which was displayed at Hardicanute's court, where an open table for four meals a-day was constantly prepared; the abolition of which usage by his successors occasioned severe sarcasms from that author.*

In the year 1042, upon the accession of Edward the Third, called *the Confessor*,

EGELRIC,

a monk, brought hither from Peterborough by Eadmund when returning from his consecration at Winchester, was made bishop of this See. It appears, that some undue influence of the crown was used in this case; for it is said,† that he obtained the See by the power of earl Godwin: And Symeon writes, that, in the third year of his episcopacy, the ecclesiastics of this church protesting against him, as being a member of another religious body, and extraneous there, and that he had been appointed their bishop contrary to their will, they expelled him the church. On this exigency, he had recourse to earl Siward, who at that time possessed very great power and authority, having the government of all the country from Humber to Tweed. By a passionate representation of his injuries, and a warm application of rich presents, he procured his intercession and influence with the adverse body; who, terrified at his power and principles, willing or not, were reconciled to their bishop, and restored him to his pontifical function and honours. The innovations which appear to have attacked the church rights in this æra, are to be lamented.‡ It is indeed to be admitted, that the method of chusing a bishop by the chapter, though less foreign than the excesses of the regale, was a deviation from the primitive practice; for by the ancient canons, a bishop ought to be chosen by the metropolitan and his suffragans; and, to prevent the inconveniences which would be derived from the interposition of the state, the apostolic canons forbid the clergy making application to the sovereign for a bishopric, under the penalties of being deposed and excommunicated. Wharton says, Egelric was elected to the archbishopric of York; but, being unjustly deprived, the See of Durham was shortly after given him. From the authority of Florentius and Symeon it appears, that Alfric, the archbishop, having committed

* Sym. Dun. p. 166.—Angl. Sacra. † Ingulph—Wharton. ‡ Sym. Dun. p. 166.

many acts of oppression, and being charged with sundry misdemeanors, having busied himself too much in secular matters, was deprived by Hardicanute, and Egelric was appointed to the See; but, upon Edward's accession, making his peace with the crown, he was restored, and Egelric translated to Durham.*

On reassuming the pontificacy, Egelric set about some religious works; particularly the old church of Chester, where the remains of St Cuthbert had rested above a century, was an erection of wood, and stood a monument of the deplorable state of the arts in that age in which it was built. In honour to the patron Saint, he pulled it down, and built a church of stone there.† The bishop is charged with having fallen into a state of indolence. He had for his associates his brother Egelwin, and some other monks, to whom he resigned the chief management of the affairs of this See: And Symeon, with all the warmth of prejudice, says, that they, with the bishop, were studious to diminish the wealth and ornaments of the church, and to purloin its riches, whenever occasion offered.‡ It is not probable that the bishop, coming to this See in the manner he did, and a second time forced upon the ecclesiastics after they had gone to such extremities as to expel him, would live in cordiality with the religious body: The animosity of each party would break out at intervals to embitter their disputes and dissentions; and, consequently, a desire of encreasing the honours and riches of the See, would be very languid in this prelate. Symeon adds, that when the work-people were laying a deep foundation for the new church at Chester, a very great treasure was discovered, hidden as it was presumed, by the officers of the avaricious bishop Sexhelm, who, being obliged to abscond, left it there.§ But it is more probable it was a more ancient concealment, when Chester was a place of strength; and this appears to have been the case; for the bishop, looking upon the treasure as no part of the possessions of the church, but as a treasure-trove within his demesne, sent it to his monastery of Peterborough, then conceiving an intention of retiring thither himself.‖ Had it consisted of sacred things, or of money of the currency of Sexhelm's time, there would have been some better account of it.

Shortly after this event, Egelric withdrew himself from the See, disgusted at the conduct of the ecclesiastic body of his

* Ang. Sac. p. 702. † Lel. Col. v. i. p. 331. ‡ Sym. Dun. p. 167, 159.
§ Sym. Dun. p. 168.

‖ One of the laws of Edward, made for the benefit and protection of the church, or, as Sir H. Spelman denotes them, "Provisions extracted from the laws of his predecessors," No. 13. is to this effect: "All treasure-trove belongs to the king, unless it is found in a church or church-yard: In that case the gold is all the king's; the silver is to be divided in moieties; to the crown one, to the church the other." In this case Egelric stood in the place of the crown.

church; and, weary of an enmity which was incompatible with religion, he left the bishopric under the government of his brother Egelwin. The riches he removed to Peterborough he employed in works not only magnificent, but also of public utility; as bridges, causeways, and other accommodations for the subject at large; and also therewith erected several churches. From the uninterrupted friendship which subsisted between Egelric and the excellent prelate Eadmund, to the close of his life, the candid mind is induced to consider our bishop in a more favourable light than Symeon would place him. From this familiarity, it is just to determine he was a man of many virtues, and of extensive judgment. With these set in contrast to the prejudices the monastic writer would instil, it is but candid to spare his character from contumely, and give his memory to posterity, with the good works he executed, without the partial and local stigmas he stands blotted with in the church-history. He came to the See when the prerogative of the crown was extended beyond the ancient limits which protected the privileges of the subject; and, conceiving he did no injury to his church in employing the accidental riches he recovered in public works out of the territories of St Cuthbert, his life seems not to merit the condemnation it is branded with. Amidst the vexatious wranglings of his diffident clergy, it is no surprise he committed the government of the See to others, without any motives from indolence and supineness. His abdication was not an act worthy of great censure, considering he was only retiring from confusion, and all those distractions which arose in an enmity and opposition, such as had gained ascendency in that religious society. But it seems that the wrath of his foes pursued him to the grave: For, being accused to William the Norman of having robbed the church of its treasures, he was commanded to appear before the king in London, was committed to safe custody till his case should be heard, and died in prison.*

Historians have disputed the propriety of Edward's accession in preference of Edmund's son, and Sweyn the son of Canute; but a disquisition of that nature is foreign to the present narrative. The matter was effected by the interposition of earl Godwin, whose interest was not obtained with any great difficulty, though Edward had so recently been his persecutor. The state came to a determination, that no one of Danish race should again wield the English sceptre; and it may be presumed an edict was published for abolishing the name and distinction of Dane in England from thenceforth; for that people are not from

* Sym. Dun. p. 168.—Ang. Sac. p. 702.—Lel. Col. v. i. p. 13.

that period mentioned in history, as if the whole race had been extinct, though in the immediate preceding year they were masters of the kingdom. This strange circumstance gave occasion to the obscure and ill-supported relations of a massacre immediately succeeding Edward's coming to the crown. This prince was not distinguished for his genius, or the powers of his understanding; but, for his animosity and insatiable resentment towards his mother, he was infamous; depriving her, in an advanced age, of all the comforts of life; and she, who had been queen to two great potentates, and the mother of two, was reduced, by his severity, to languish out the weary remnant of life in extreme poverty. Such was the man whose name is distinguished with the holy characters of *Saint* and *Confessor*.

The disputes which were agitated between the king and earl Godwin, are in no ways pertinent to the present subject. On the earl's death, his son Harold, of superior parts and abilities, succeeded to his honours. About this period, a contest arising between Macbeth and Malcolm, two princes of Scotland, for the province of Cumberland, the king commanded Siward, with the forces of Northumberland, to restore Malcolm to the quiet possession of that territory, which he effected in one decisive battle. Some historians speak of this matter, as if Malcolm then obtained the crown of Scotland; but this position is not supported by their chronology. Fordun places Malcolm's accession to the crown in 1057, two years after Siward's death, which appears the most probable. The joy of this victory was damped by the loss of the earl's gallant son, who was among the slain.* When the melancholy news was brought to his father, he did not give way to any parental feelings till he satisfied his honour that the youth died without disgrace. He interrogated the messengers impatiently, "Where were his wounds?" To which they replied, "They were on his breast." With an extacy of heroic virtue he exclaimed, "I thank God the boy has done his duty, and I "am reconciled:" To which his tenderer tears succeeded.† The earl did not survive this victory long: He was seized with the bloody-flux, which soon proved mortal; and his remains were interred in the cloister of the monastery of St Mary, without the walls of York, which he founded.‡ On the approach of death, whilst he languished deeply under his disease, regarding an exit in bed as disgraceful to a man of his heroic spirit, he commanded his armour to be brought, in which he was accoutred, that, agreeable to a wish he had repeatedly expressed whilst in health, *he might expire, as he had lived, in arms.* Brompton describes him

* Sym. Dun. † Huntingd. ‡ Brompt.

as a man of most gigantic stature, and of an intrepidity suitable to his form. As his grandmother, the daughter of a Danish earl, was walking in a wood, accompanied by her women, near her father's house, a bear rushed from the forest, and bore her off from her affrighted attendants. By this monster she was ravished, and had a son named Bernus, who was born with bear's ears. He, in right of his mother, succeeded to the earldom, and, proving a valiant soldier, espoused a lady of equal rank, on whom he begot the brave earl Siward, who came and settled in England.* Thus, in allegory, is wrapped up the rape of this lady, by some powerful person of the country.

On the death of Siward, Tosti, one of the sons of earl Godwin, was made earl of Northumberland; and, by his influence,†

EGELWIN

was confirmed in the bishopric of Durham, abdicated by his brother. He was also a monk of the monastery of Peterborough. Symeon places this event in the 15th year of Edward's reign, A. D. 1056: And this bishop's appointment seems to be an arbitrary act of the earl, by whose support and favour Symeon says he was advanced. During his brother's episcopacy, he managed, as suffragan, all the secular affairs of the See, and thereby, it is presumed, amassed a considerable treasure.‡

Tosti, of a tyrannical and morose temper, conducted himself with such rigour and oppressive principles towards the Northumbrians, that their affections were soon weaned from him:— But, by the death of Gospatric, a person of great power in that province, and afterwards of two of his sons, slain by the earl's influence or procurement, and by the imposition of a grievous tax upon the inhabitants, he became detestable, and, with one accord, they rose in arms to expel him the province, and demand his being deposed of the crown. Harold, by the command of the king, at the head of a powerful army, met the insurgents on the frontiers to compel their submission; but hearing the people's complaints, he transmitted a remonstrance to the king, so powerfully loaded with proofs of intolerable acts of tyranny and oppression, that their pardon was not only granted, but Morcar, son of the duke of Mercia, was appointed to the earldom; upon which Tosti fled from the king's wrath into Flanders.

* Brompt. p. 945. † Lel. Col. v. ii. p. 379.

‡ Ridpath, in his Border History, says, that Malcolm of Scotland made a wasting inroad into the province of Northumberland, in Tosti's absence, and violated the peace of St Cuthbert in Holy Island. And, in a note from Sim. ad Ann. adds that Tosti, together with Kinsi archbishop of York, and Egelwin bishop of Durham, had conducted Malcolm to the presence of Edward, two years before.

Soon after these transactions, the king was seized with a mortal disease; and Harold ascended the throne by the unanimous election of the people, in preference of Edgar Etheling, son of prince Edward, and grandson of Edmund, who was then in England.

We have several instances in our history, that, under the weakest and wickedest princes, our most salutary laws have issued, and the noblest principles of our constitution have been established. In them it was an involuntary act; they were made the mere instruments of Providence, under the influence of wise counsellors, to promulgate what they neither meant or understood, but which, in the will of Heaven, were pregnant with blessings for generations unnumbered. One of those incidents is in this reign, and perhaps took place when the states determined to extinguish the Danish name. The various laws which had gained acceptation in the three great districts of the kingdom, in Wessex, the Saxon; in Mercia, the Mercian; and in Northumberland, the Danish; were reduced into one code, by which the whole country should be governed. Various parts of those provincial laws could not be totally eradicated, having become riveted with the tenures of lands, and otherwise so established, that their usage was obliged still to be tolerated; and they were accordingly made consistent to, and confirmed in, their peculiar districts. It must suffice in this place to say, that in this matter is seen the establishment of our common law, the most excellent principles of which are derived from the Saxons; for as to the Danes, they left little that was elevated above brutality.

Earl Tosti, during the time he held the earldom of Northumberland, professed a great veneration for the church of St Cuthbert, which he, and Judith his wife, ornamented with many rich gifts, particularly a large crucifix of plated work in gold and silver, and decorated with jewels of high price: Also images of the Virgin Mary, and John the Evangelist.*

Harold did not wear the crown long in peace: He was first disturbed by his brother Tosti, who made several descents upon the coasts, and carried off much plunder. After repeated depredations in that manner, and retreats, he at length returned with a formidable armament, having engaged the king of Norway in the enterprize, under a delusive promise of conquering the kingdom. They at first entered the river Tyne with a large fleet, and pillaged the country on each side of the river; after which they sailed for the Humber, and there disembarked. An engagement soon after ensued with the Northumbrian troops under

* Lel. Col. v. ii. p. 379. v. iv. p. 114.

earl Morcar, and the western forces, under Edwin earl of Chester, in which the invaders were victorious. Flushed with this success, they marched forward to meet the royal army, which was advancing. A battle was fought at a place called Stanford-bridge, near York, and the invaders suffered a total defeat, the king of Norway and Tosti being among the slain. Such was the horrid carnage of the day, that of the whole army that came from Norway in five hundred ships, the remains returned in twenty, granted them by the victor. The booty which fell into the hands of the king's army after this victory, was very considerable, there being found in the enemy's camp all the money and effects they brought with them, together with the riches they had heaped up from the pillage of the country.

No sooner was the king at rest from the toils of war, occasioned by the late invasion, than he received intelligence that the duke of Normandy had landed with a large army in Sussex. He advanced with all possible diligence to oppose this formidable enemy, whose design he was fully informed of; and the fatal battle of Hastings soon after determined William's claim to the crown of England, by the death of the king, who received an arrow in his temple which pierced his brain, the total rout of the English army ensuing. What imputation fell on the character of the deceased sovereign, in ascending the throne, or which was the greater crime, breaking the oath he made to William duke of Normandy, or gratifying his ambition by the exclusion of Edgar from the crown of his ancestors, belongs not to the historian to enquire. It is confessed by all, that Harold possessed exalted virtues, and was endowed with all those excellencies necessary to form a great prince. He had a distinguished integrity of heart, was affable, and of engaging manners; and his generosity and munificence were truly princely. The impetuosity of his mind, and his too nice sense of honour, perhaps were his greatest failings, and principally tended to his fall.

Morcar earl of Northumberland, with the northern troops, retired to London; where in every assembly in which the right of succession was agitated, he strenuously supported the cause of Edgar. When the duke moved his army towards the city, the confusion of the people, and divided opinions of the nobles, sufficiently proved to the earl, that all opposition to the Norn ans would prove ineffectual; therefore he withdrew his forces, and retired to the north. Soon afterwards, the keys of the city gates were surrendered; the small number of bishops and lay-lords then in London, in a pusillanimous manner, made a tender of the sceptre; and, on Christmas-day following, in the year 1066, he was crowned king of England. Earl Morcar submitting to

the stream, voluntarily attended, and swore his fealty; on which his office and estates were continued to him.

The king having established a mode of government, and placed garrisons of Norman troops in all the fortresses, he proposed a visit to Normandy. To secure the state from conspiracy and insurrection in his absence, he took with him several of the most powerful of the nobility, among whom earl Morcar was one, who thought themselves no better than hostages in his train, and were disturbed as being exhibited as ornaments to his triumph.—Whilst the king was absent, the intolerable oppressions of the regents occasioned a general discontent, and two formidable insurrections succeeded, which hastened his return. From thenceforth mutual jealousies between the sovereign and his people were daily fomented, which grew up to a terrible degree of vehemence on the odious tax of Danegelt being revived, and levied on the lands with the utmost rigour. This was followed by a tyrannical confiscation of the estates of those who appeared in arms for their sovereign Harold, which was one of the most remarkable events of this reign; for the confiscated lands were given to the Normans, who thereby became more considerable in England than the English themselves: But from thence were derived great power and advantage to the king; for he not only filled his coffers with riches, but also, by such distribution of his chiefs in all quarters of the land, who were firmly devoted to his service, he gained a powerful interest to support him on the throne.

Whilst the lamentations and rage of the people were every where heard, and execrations incessantly poured forth from innumerable lips against the tyrant, afflicted with the miseries which surrounded them, Edwin earl of Chester, and Morcar earl of Northumberland, took up arms and carried their forces into the field, presuming from the general distress an insurrection would take place in every part of the kingdom. This wore a serious countenance, and obliged the king, with all possible haste to collect his troops, and move towards the north, to suppress the rebellion in its infancy. The expedition the king used, and his formidable army of veteran soldiers, intimidated the people in other parts of the land from taking up arms. The northern earls finding themselves disappointed in the event, and not able singly and unsupported to try the conflict, were obliged to submit and sue for mercy. The king approaching York, the citizens brought the keys of their gates, and laid them at his feet. But, though this act of submission procured them an exemption from corporal punishment, yet their pardon did not extend so far as to secure them from a heavy fine, which he imposed on the city; and they with grief beheld the walls of a fortress rise in the heart

of their city, which should for ever after overawe them, garrisoned with Norman soldiers. The earls of Chester and Northumberland, with Archil, a powerful Northumbrian lord, and Egelwin bishop of Durham, were received to the king's clemency, and swearing their fealty, were pardoned.* The bishop, as intercessor for Malcolm king of Scotland, who was marching to the aid of the insurgents with a powerful army, but could not come up in time, at the same instant obtained, for that kingdom, articles of peace and alliance.† The earl of Northumberland, with many others, conceiving their punishment was only deferred to a more secure time for the king to shew his resentment, retired into Scotland, where prince Edgar had sought refuge. In a little time the king displayed a new exertion of tyrannical power, in depriving the people of the custody of arms, seizing the same into his hands, and laying them up in arsenals, formed in the several castles he was building, or had erected throughout the land: And then, under severe penalties, he prohibited the use of fire or candles when the curfew-bell‡ should ring, to prevent associations and conspiracies. This bell was heard by the English as the knell of their departed liberty, and a repeated testimony of slavery.

The Northumbrians, who had constantly exercised extended powers of liberty and enjoyed its fullest benefits, were the

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* There is a paper among the Burghleian MSS. touching the title of Lord Willughby of Eresby, shewing how this barony, before the conquest, belonged to the See of Durham; and that at the conquest, by the Conqueror, with the bishop's consent, it was given to Pinzon, who thereby became lord of Eresby: And his tenure was, to serve the said bishop at Duresme at the day of his consecration, in the office of steward; which service, by special words in the grant, might not be done by any other deputy than his eldest son, being a knight, or by some other knight: Therefore it argued in himself a higher degree, as to be a baron: And the same stile to be incident to the head manor of the barony, by name Eresby; which ever had and hath divers manors, as members belonging to the same. For otherwise the bishop might take lack of so honourable a tenure: For, if it would descend to an esquire, and convey to him no higher a degree, the right tenant should be unable to do the service belonging to his tenure; which should be a great absurdity and inconvenience.—Strype's Annals, v. ii. p. 670.—Blount's Tenures, 135.—Escaet. Roll. 46. Ed. III. No. 78.—Dugdale's Bar. v. ii. p. 84.

† Ord. Vital.

‡ This utensil is called couvre-feu from its use, which is that of suddenlyputting out a fire. The method of applying it was thus: The wood and embers were raked as close as possible to the back of the hearth, and then the curfew was put over them, the open part placed close to the back of the chimney. By this contrivance, the air being almost totally excluded, the fire was of course extinguished. There is one which was in the possession of the late Mr Gostling of Canterbury. It is of copper, rivetted together, as solder would have been liable to melt with the heat. It is 10 inches high, 16 inches wide, and 9 inches deep. Whether a bell was ordered to ring expressly for this purpose, or whether the signal was to be taken from the vespers bell of the convents, is a matter in which antiquaries are not entirely agreed.—The curfew-bell is still rung in many towns in the county of Durham.—Antiquarian Repertory, vol. i. p. 89, 216.—Gent. Mag. Aug. 1779, p. 405.

most impatient under their grievances. The ancient spirit they have through this narrative been constantly marked by, still reigned amongst them. They could not brook the least injury without making a remonstrance, and that was frequently attended with an insurrection. The turbulent and ferocious temper this people displayed, and their vicinity to Scotland, whose monarch was deeply interested in Edgar's welfare, by his marriage with that prince's sister, determined the king to send a Norman lord to take on him the government of that earldom.* Accordingly he nominated Robert Cumin thereto, to whom he appointed a body-guard of 700 choice Norman veterans. His rough and austere temper, the king conceived, would suit well to counteract the licentious dispositions of those he was to govern. When the Northumbrians were informed of his approach, they at first gave themselves up to despair, regarding him as a monster sent to afflict them with every severity of tyrannical government: Several fled their habitations, and sought shelter in the forests, and others took shipping for foreign countries.

Some of the fugitive Northumbrians who arrived in Denmark, prostrated themselves before Sweyn, the king, and, in the most passionate phrase, represented to him their miserable state, and the distraction of their country; they implored his aid in the most affecting language, and called for his pity as descendants of the Danish race. They assured him not only the Northumbrians would join his arms, but also the western provinces, and a large body of troops from Scotland; they described the injuries and deposition of Edgar, their lawful sovereign, and moved him to compassion. Rapin says they persuaded Sweyn the conquest of England was practicable; and from that view chiefly he engaged in the enterprize: But the authorities tend more clearly to prove, that the attempt was calculated to expel the Normans in favour of Edgar. Whilst a fleet was fitting out with a large armament from Denmark, earl Cumin arrived at Durham. The commotion which appeared among the people at the earl's approach, alarmed the bishop, and gave him suspicions that an insurrection was

* Lel. Col. v. i. p. 331.—Hoveden.

A. D. 1069. Misit rex Gulielmus Northumbris ad aquilonem plagam Tinæ comitem Rodbertam Cog. Cumin. 30 regni sui anno.

Lelandus. Cuminus quidam duo ferarum septa lapideis muris cinxit, Wannop, alter. nomen mihi excidit. Murorum vestigia adhuc extant. Edificavit etiam *castrum in ostiis Tarpeti* amnis ubi cadit in Tinam.—Crux Cumini ex lapide quadrato 2 p. m. ab Hexham.

The ruins of this castle are still to be seen on the neck of land at the confluence of Tyne and Tarset. The edifice has consisted of a square tower, with a square curtain wall, defended at the angles by towers, which project beyond the line of the walk—The precipice on one side shews no remains of this wall.

designed. The respectable author just mentioned conceives it was a previous design, that the fugitives to Denmark should sue for succour from thence, the event of which the people then impatiently expected; and, "as Cumin's arrival might prove very "prejudicial to the plan they had formed, the principal contrivers "of the scheme resolved to rid themselves of so troublesome an "inspector, with his attendants." Whether this part of the history is maintainable or not, it is evident the bishop entertained fears for the earl's safety, and when he met him at the limits of his bishopric, he informed him of the apprehensions he had of his danger; for he had heard it whispered by the populace, that they would never submit to be governed by a stranger.* The earl, with all the insolence of a proud heart, treated the bishop's cautions with contempt; and, so far from shewing any acts of moderation and clemency on his first approach, in order to remove the prejudices of the people, he punished several who were landholders under the church, and had affronted him in his march, with severity, and some he put to death. He was mistaken in conceiving such measures would strike a terror on the country: Uncultivated men, of a robust constitution, and ferocious habits, are seldom moved with fear; but, cherishing hatred of injuries, burn for revenge. The death of the peasants was a summons to unsheath the sword; and, though this was the severe season of February, multitudes of men, from all quarters, assembled soon after the decline of day, and girt the city round with troops.—The earl's guards had taken forcible possession of the houses as their wantonness incited, and, being dispersed through the place, in contempt of danger, gave themselves up to ease and self-enjoyment. Just at the dawn of day, the assailants broke open all the gates of the town, and flying in parties through every street, made a dreadful slaughter of the Normans; insomuch that, Symeon says, the streets were filled with blood and carcases. Many were shut up in the house where the earl lodged, and, defending it bravely, the enraged populace could not force an entrance: therefore, throwing in firebrands, they set the edifice in flames. When those within saw the imminent peril to which they were reduced, they forced open the doors, and attempted to escape the fury of the fire, but were slain as they came out. At length the building was reduced to ashes, with every thing within its walls. The fire of this mansion was so vehement, that the flames were observed to take hold of the western tower of the church. The afflicting spectacle alarmed the multitude: The religious, and inhabitants of the city, and even those in arms, ceasing from

* Sym. Dun. p. 181, 182.

slaughter, fell upon their knees, with eyes filled with tears, and elevated hands, petitioning Heaven, that, by the aid of their holy Saint, and through his interposition, the sacred edifice might be spared from destruction. Quickly the wind shifted to the east, and bore the flames from the church. Thus the earl, on the 2d of the kal. of February, A. D. 1069, with his 700 guards, (one man excepted, who escaped with his wounds,) were put to death.

It must be remarked in this place, that the authors who give the foregoing account, point out, that Durham, at that period, was defended by gates, and consequently by walls, palisades, or some other fortification used in that age. It is most probable the mansion which was burnt was the bishop's palace, and not solely appropriated for the earl's residence; and it distinguishes, that the church did not stand on the ground which the present cathedral covers, as that mansion was to the west of it.

Soon after the slaughter of the Normans at Durham, the Danish armament appeared on the coast, under the command of Osbern, the king's brother; a large body of Scottish forces were immediately put in motion, attended by Edgar, and all the fugitive lords who had sought assylum at Malcolm's court; the Northumbrians in general were in arms; and the whole uniting, gave some anxiety to the king. They marched immediately to York, where the Normans had a garrison, some authors say, consisting of 4000 men. In order to prevent the suburbs being a shelter to the combined army, the troops in the castle set them on fire: and, in the conflagration, the greatest part of the city, the monastery and cathedral, were reduced to ashes. The friends of literature, on this occasion, came to a dreadful loss, by the destruction of a valuable library, the collection of which was begun so early as the latter end of the eighth century. The assailants stormed the citadel, and put the whole garrison to the sword.—After this blow, earl Waltheof was placed in the castle with English troops, and the army retired a little from York, to an advantageous post, where they lay fortified, waiting the king's approach. After conciliating the minds of some malcontents in the southern parts of England, by acts of clemency, justice and relaxation, the king moved his army by slow marches towards the enemy. He was so provoked with the Northumbrians, that he was heard to swear by his usual oath, *by God's splendour*, he would not leave a soul alive.* As soon as he entered Yorkshire he began to put his horrid threats into execution, by permitting his troops to commit every excess, to ravage, plunder, and destroy, as the wantonness of avarice, lust, cruelty, and revenge might

* Hoved.—Rapin.

dictate. The combined army lay in their fortifications, determined to receive the foe in that situation; but the king saw too much peril in an attempt to engage them so advantageously placed. The leaders lay for some time inactive, whilst detached parties of Normans were let loose to desolate the adjacent country, and, with the scourge of destruction, to punish the miserable and innocent for the defections of those with whom they had no criminal part. But such are generally the indiscriminate ravages of war. Whilst the king revolved in his mind the hazard in which an unfortunate battle might involve his crown, he determined to try the power of money, and to corrupt Osbern with a bribe. The effect equalled his most sanguine wish; for the Dane took the gold, drew off his troops, and set sail for Denmark, leaving the confederates in a deplorable state of suspence and disappointment. At length most of the forces left in the intrenchments marched off in defiles, and returned home, leaving Waltheof, and his garrison, to sustain the king's wrath in a siege. The earl was supposed to be one of the most skilful and bravest generals of the age; and, by his prudent conduct, supported the defence with such bravery, that the king, after innumerable assaults, and a tedious blockade, had gained no advantages, and began to despair of success, when the want of provisions obliged the gallant governor to submit himself to the sovereign's mercy. There are charms in bravery which win the hearts of the brave, even from the horrid possession of pride, jealousy, and revenge. The king, charmed with Waltheof's military excellence, granted the garrison the most honourable terms, and not only pardoned the earl,* but received him to his bosom; won him to be his friend by his royal munificence, and loaded him with marks of esteem. He gave him in marriage his niece, daughter to the countess of Albemarle; and to support the dignity of the alliance, made him earl of Northampton and Huntington. The king received the submission of earl Gospatric, who, with a large sum, purchased the earldom of Northumberland; a dignity which he aspired to, as being descended from a former race of earls, his mother Algitha being daughter of earl Uchtred, by his wife Elfgiva, daughter of king Ethelred. Algitha's husband, and the father of Gospatric, was Maldred, the son of Crinan, who was progenitor of the noble family of Nevills, of whom, in the sequel, there will be occasion to speak.† It is related by Symeon, that Morcar, after his advancement to the earldom of Northumberland, being occupied in other great affairs, gave the government of the country beyond the Tyne to

* Malms. † Dugdale's Baro. v. i. p. 287.

Osulph, a youth, son of Eadulf, who was earl Uchtred's brother and successor. According to the same author, the king, having deprived Osulph of his government, conferred it on Copsi, uncle to earl Tosti, a man of wisdom and experience in the affairs of government, and who had formerly the charge of the province, whilst Tosti was earl. Osulph being expelled by Copsi, and obliged to take shelter in the woods and mountains, collected around him a banditti in the like desperate circumstances. With these desperadoes he beset a house where Copsi was at a feast; and, pursuing him to a church, whither he fled for sanctuary, they set it on fire, and he was slain by Osulph in the gate. This happened on the 11th of March, in the fifth week after Copsi was made earl. In the following autumn Osulph received a mortal wound by the spear of a robber, whom he imprudently attacked. After the death of Osulph, according to the annalist who relates the circumstances just mentioned, and, most probably also, after the death of Cumin, the king sold the earldom to Gospatric.—Dugdale adopts this order of the succession of earls.* Symeon in his account, in which he is copied by Hoveden and others, says, that, on Osulph's death, Gospatric purchased the earldom: yet inconsistently asserts that Copsi, who was slain by Osulph, was not promoted to his earldom until Morcar was a prisoner, A. D. 1071.

Copsi was a patron of the church of St Cuthbert; and, whilst deputy to Tosti, he gave to the Saint, and those who served at his shrine, for ever, his church at Marsk, dedicated to St Germain by bishop Egelric; together with the vill of Marsk, and the lands thereto adjoining; ten carucates and a half of land in Marsk, two carucates in Thornton, ten oxgangs in Tuccotes, in Redcar half a carucate, in Guisburn one carucate; and, as a perpetual testimony of such his grant, he gave therewith a large silver bowl or cup, to be preserved in the church as a lasting memorial.†

To return to the king's progress. Symeon says, the king detached a party from York, with orders to revenge Cumin's death; but, having proceeded as far as Alverton, such a thick fog surrounded them, that they could scarce see each other, and could not possibly discover their way. This strange event, together with an alarm their superstition received, by relations of the power and miraculous protection the Saint whom they were about to persecute had shewed for his people, insomuch that few of his enemies ever escaped, they retreated in fear of the condemnation threatened them. But the king was not to be intimidated in

* Dugdale's Baro. v. i. p. 54. † Lel. Col. v. ii. p. 376.—Symeon, p. 178.

that manner. He marched northward, and ravaged and destroyed the country in so merciless a manner, that, "for sixty miles "between York and Durham, he did not leave a house standing; "reducing the whole district, by fire and sword, to a horrible "desart, smoking with blood, and in ashes." He did not even spare the churches or monasteries; a fact which Malmsbury, a Norman, does not presume to deny.* The reason alledged for this devastation was, to render the country incapable of maintaining future Danish adventurers. But the truth appears, it was done to glut his vengeance and wrathful spirit, and intimidate the more northern inhabitants from the like enterprizes.—It is impossible, according to the relations given by historians who speak of this horrid scene, to describe the miseries of the people. A dreadful famine ensued, and a mortality not equalled in the annals of this country: They were reduced to eat the flesh of horses, dogs, and cats, and at last even human carcasses.†—The lands lay untilled for nine years, infested by robbers and beasts of prey; and the poor remnant of the inhabitants spared from the sword, died in the fields, overwhelmed with want and misery. When the ruthless tyrant approached the city of Durham, he found it evacuated, the ecclesiastics departed, and the church left without a minister to perform any sacred office.‡—The king's army being dispersed in destructive parties over all the country between Tyne and Were, saw the villages deserted, and the whole country become a dismal waste, the inhabitants having fled with their flocks and herds into the most secret parts of the forests and mountains. Not moved to compassion by a scene so wretched, the barbarians set fire to the monastery of Girva or Jarrow, and rejoiced over its ashes.§

On the king's approaching near to Durham, the bishop called a council of the principal men in his city, and, it being with their unanimous approbation, he determined to fly from thence with the sacred remains of St Cuthbert, which, from the time of Aldune's settling there, had rested in Durham for 75 years.‖—The holy fugitives took their way towards Lindisfarne: They rested the first night at the monastery of Jarrow, the second at Bedlington, the third at Tughil, and on the fourth day, in the evening, the bishop, with a vast concourse of people, arrived on the shore opposite to the holy island, when they found the sea at high water. The severity of the winter rendered the night air intolerable to the aged and infirm, as well as those of tender years; and much lamentation was heard among the people;

* Lel.Col. v. ii p. 380. v. iii.—Hoveden. † Symeon—Lel. Col. v. ii. p. 380.
‡ Hoved. § Ibid. ‖ Sym. Dun. p. 183, 184.

when, by a particular interposition, the sea retired, and left a dry passage for the wanderers, who, with loud thanksgiving and holy joy, passed over to the island. And what completed the miracle, was, as Symeon says, those who carried the Saint's remains gave evidence, that, as soon as the multitude had passed, the sea returned, and closed up the vacancy, which a few moments before had divided the waters.

Peace being restored, and the king having withdrawn his troops, the bishop, with his brethren and people, set forward on their return, with steps of melancholy, and many tears, beholding the fertile plains laid waste, the villages desolate, the whole country depopulated, and become a dreadful solitude. After an absence of four months, they entered the city on the 8th of the kal. of April, A. D. 1070, and replaced the sacred remains of St Cuthbert in his shrine.* The bishop, in his flight, removed or concealed all the ornaments of the church, except the crucifix given by earl Tosti and his wife, which being too ponderous to be removed, was left, in hopes no enemy would approach it without veneration and reverence, and that they would have the like regard to the sacred edifice. But, on their return, they found the crucifix thrown down, and stripped of all the gold, silver, and gems, that formerly adorned it. It is intimated, that earl Gospatric advised the bishop's flight, taking possession of the incident to strip the church of every thing he could find that was valuable.† One of the ecclesiastics, Symeon says, was sent forth as a spy, to observe what passed around the city, after the bishop and his train left it; and that one night he had a horrid vision, in which he saw one Gillo Michael,‡ (who had done many injuries to the bishop and his people, as they were on their journey), in the torments of the damned: And also, in the same vision, he beheld St Cuthbert and St Oswald at the high altar, denouncing eternal woes on Gospatric for sacrilegiously taking away the holy things of the church, and converting them to his own use. This coming to Gospatric's ear, attended with the circumstance of Gillo's sudden death on the night of the vision, he was seized with a religious horror, and the torments of an afflicted conscience; and, to expiate his crime, immediately set out on a pilgrimage to Holy Island, with naked feet, during an inclement winter, seeking remission of the Saint, by prayers, tears, and rich gifts. This author says, Gospatric, after this impiety and sacrilege, never prospered, was expelled his earldom, and, in the latter end of his days, suffered great adversity and distress.

* Sym, Dun. p. 185.—Lel. Col. v. iii. † Lel. Col. v. ii. p. 376, 381.
‡ Ibid. p. 331, 381.—Symeon, p, 186.

Soon after the king left the Northumbrian territories, Malcolm king of Scotland made an inroad by way of Cumberland.* and, carrying dreadful devastation down the course of the river Tees, penetrated as far as Cleveland, and there burnt and destroyed every thing in his march.† At Hunderthwaite, a place opposite to Egleston, the people of Teesdale made a stand, and were routed with great slaughter. Whilst Malcolm was thus employed, Gospatric made an inroad into Cumberland, and returning with many spoils, shut himself up in Bambrough Castle, from whence making frequent sallies, he annoyed and weakened the forces of Malcolm, who was returning by the eastern coasts. Enraged by these repeated sufferings, the Scottish king committed the most horrid cruelties upon the people,‡ and carried such multitudes into captivity, that, for many years after, scarce a cottage in Scotland was destitute of English slaves. Malcolm, in this expedition, burnt Hartlepool, and the monastery of Weremouth; looking on with inhuman pleasure whilst the sacred piles consumed. In the haven at the mouth of the Were, it is said,§ he found concealed on board of some small vessels, Edgar, with his mother and sisters, and several people of high rank, who were about to set sail for Scotland.

After so much on the affairs of the state at large, it is high time to advert to that momentous æra, in which there was a total subversion of the tenures of lands, a reformation of the service of the subject, and an introduction of those feodal principles under which the people groaned for many centuries. The king was convinced by the late circumstance of calling in the Danes, that the restless temper of the English, impatient of injuries, and forward to revenge, would never submit to a total subversion of their laws and liberties, whilst any power or authority remained in their hands; in short, whilst they were not stripped of every thing valuable: And he formed his resolutions accordingly. He immediately dispossesses them of all the baronies and fiefs they held of the crown, and gave the same to his own retainers, even with an astonishing degree of profusion. His brother Robert held of his gift, with the earldom of Cornwall, 846 manors; and several others had little inferior. Hugh Lupus of Almonches, the king's sister's son, had the county palatine of Chester, with all royal prerogatives, to hold it in as ample sovereignty as the king held his crown. It is needless to name more of those; and the latter is named only because, in the progress of this narrative, frequent occasion will be had to refer to it. Each grandee was to furnish horsemen with arms, at the king's command; and they, granting

* Lel. Col. v. iii.—Symeon. † Hoved. ‡ Ford. l. v. c. 18. § Symeon.

out their extensive districts in manors and smaller estates, reserved the services proportionably from those who held the lands.—It was not only the lay-property that was thus handled, but also the church-lands were made liable to furnish horsemen and arms in the same proportion, notwithstanding the immunities the Saxon princes had ordained, when the ancient charters were granted.* This was not the only persecution the church suffered; for the king, pretending he had information that the treasures of the rebels were concealed in the religious houses, he ordered the northern churches to be ransacked, and even spared not the ornaments of the shrines, and the sacred vessels of the altars. He had not peace of mind with the clergy, whose greatness he wanted much to reduce. For this purpose he applied to Rome, praying that two legates might be sent into England, to enquire into the abuses of the church; by whose aid he dispossessed the archbishop of Canterbury, and some others of the first prelates in the

* A modern author speaking of the Franks, says, "The landed estates of the clergy "grew so great, that in time the military power of the kingdom was much enfeebled; "for though they were obliged to furnish men for the wars, according as the lands "they held were liable to that service, this was performed with such backwardness "and insufficiency, that the state at one time was near overturned, and it became ne- "cessary to provide a remedy."—Sullivan's Lectures, lect. v. p, 45.

The similarity between our Saxon laws and those mentioned above, need not be pointed out to the judicious reader.

We find the laws of William I. are in general little other than transcripts of the Saxon laws or customs: However there are two which were intended to alter the military policy of the kingdom, and to abolish the *trinoda necessitas*; and, in its lieu, to make the lands of the English, and of the church, liable to knights-service, as the Normans lands were by their new grants, and thereby make the system uniform.—His 52d law is entirely in feudal terms, and was certainly drawn up by some person skilled in that law for the purpose. It runs thus: "Statuimus, ut omnes liberi ho- "mines fœdere & sacramento affirment, quod intra et extra universum regnum An- "gliæ Willielmo domino suo fideles esse volunt, terras & honores illius ubique ser- "vare cum eo & contra inimicos & alienigenas defendere."—LL. Angl. Sax. ap. Wilkins, p. 228.—Wright on Tenures, p. 66.—Sullivan, 265.

William's 58th law is to this effect: "We enact and firmly command, that all earls, "barons and knights, and servants, (that is the lower soldiers not knighted, who had "not yet got lands, but were quartered on the abbeys,) and all the freemen, (namely "the Saxon freeholders, and the tenants of the church, which now was subjected to "knights-service) of our whole aforesaid kingdom, shall have and keep themselves "well in arms, and in horses, as is fitting, and their duty; and that they should be "always ready and well prepared to fulfil and to act whensoever occasion shall be; "according to what they ought by law to do for us from their fiefs and tenements: "and as we have enacted to them from the *commune concilium* of our whole king- "dom aforesaid, and have given and granted to them in fee, and in hereditary right." In this law is pointed out the service required, and to ascertain the hereditary rights of all the tenants, Saxons as well as Normans.——LL. Angl. Sax. ap. Wilkins.——Wright on Tenures, p. 72—Sullivan, 267.

From this time all lands in England were described "to be held of the King."—Ecclesiastical corporations, under the description of *liberi homines*, according to their wealth, were obliged to find *one or more knights or horsemen*; if as many as a baron, they were thereby barons, and entitled to sit in the *commune concilium*.

kingdom. Those whom the king disliked, and could not be impeached by any legatory authority of his own, he imprisoned them, and placed foreigners in the vacant Sees. He also carried a like exercise into the monasteries. These acts of oppression alarmed the whole state; and, as the effect of despair itself, the people rose in arms, heated by the exhortations and cries of the clergy, and headed by several abbots, and dignified ecclesiastics, determined to shake off the bondage in which they were involved, or perish in the attempt. Edgar was called upon to take the conduct of the armaments, which shewed themselves in every quarter; and he was publicly proclaimed king wherever his party prevailed. By the advice of Lanfranc, the new archbishop of Canterbury, the king desired a conference with the malcontents, where, in an insinuating phrase, and with all the flowers of flattery, of which, notwithstanding his temper, he was master, having all the accomplishments of hypocrisy, he endeavoured to remove the people's apprehensions, promising a redress of grievances, and swearing on the books of the Evangelists, to restore and establish the ancient laws of Edward the Confessor. His adversaries, thus deluded and appeased, retired, and disbanded their troops. As soon as the pacification gave the king a safe opportunity, he ordered some of the chiefs in the late insurrection to be apprehended, several he put to death, and others he banished or imprisoned. Edgar again escaped into Scotland. The abbot of St Alban's, one of the most zealous of the revolters, died in his place of concealment in the Isle of Ely, on which event the king plundered the monastery.

These severities induced Egelwin to determine on an abdication of his bishopric, and to seek for peace and safety in a foreign country.* To this end he collected a considerable treasure from the coffers of the See, and, in the 15th year of his episcopacy, retired secretly from Durham, and took shipping for Cologne; but, by adverse winds, he was driven into Scotland, where he wintered. Whilst in that retreat, he engaged himself to a powerful party, and privily got into the Isle of Ely, where there was a monastery, whose abbot he conceived was his sincere friend.—This place being entrenched by nature with a deep morass, was looked upon as an inaccessible retreat, when defended by a sufficient number of troops. Edwin and Morcar,† having received intimation that the king had determined their fate,‡ withdrew secretly from court, and joined the party in Ely. Edwin, attempting to go into Scotland, was murdered on the road by the treach-

* Symeon, p. 192.—Lel. Col. v. ii. p. 378, 379. † Hoveden—Lel. Col. v. iii. p. 126, 128. ‡ Sym. Dun. p. 203—Malms. p. 104.—Ingulph.

cry of his attendants, who were seduced by some Normans to discover who he was. Those who were now collected in the isle making a powerful body, determined to defend themselves in that station to the last extremity, and there wait for any favourable event which might be in the will of Providence. It seems they had hopes of succour from Denmark; and the Saxon Annals declare, that Sweyn landed a number of troops, but having been permitted by the king to pillage and sweep away the riches of Peterborough monastery, they departed without assisting their deluded friends. The king made a complete circumvallation of troops, by which all relief was cut off from the confederates, and he advanced daily in his attack, by forming a bridge cross the morass, which was two miles in breadth. Notwithstanding all the king's military manœuvres, the event was doubtful, till, by the treachery of the abbot, he was made master of the key of the isle, and took a bloody vengeance on the malcontents. Morcar he cast into prison, and bishop Egelwin was sent to Abingdon, and there held in close durance. Symeon says, he was frequently admonished to restore to his church the valuable things he had taken from thence; to which he repeatedly on his oath affirmed, that he removed nothing but what was his right. But one day as he washed his hands, there dropped from his right arm, an armilla, or bracelet, which suficiently proved his perjury. By the king's command he was cast into prison, where, with famine and a broken heart, he died a miserable death. Some authors alledge, he refused to receive any sustenance; others, that it was refused to him.*

Great inconsistency appears in the various incidents of this prelate's life, from whence it is scarce possible to conceive his real character. Wharton, p. 703, calls him "*Vir generosi animi.*" He appears to have been seditious, and busy in secular affairs, and, at the heart, no great stickler for religion.

At this period be it remarked, that no traces have yet appeared of palatine jurisdiction in the bishops of this See, or any acts of civil jurisdiction attending their holy office.

The See of Durham, it is said, continued vacant about a year; but whether that computation is made from Egelwin's abdication or death, is not noticed; neither is it known how long the bishop continued in prison.

This vacancy offers an opportunity of taking a short view of the state of literature and religion in this province, at that period, and to notice some memorable events. Aldred, archbishop of York, had sufficient virtue of mind to remonstrate to the king on

* Angl. Sacra.

the oppressions the people suffered under his government, but did not live to receive the courtesy his sovereign had resolved to shew him on that occasion; and perhaps the good purposes to which the king was moved were lost to the public by the prelate's death, who languished with grief for the miseries of his country.

Malmsbury says, that learning and religion* were then little regarded; there was very little scholarship even among the clergy. If they could read the church service, they thought themselves qualified for their function, and seldom carried their education much higher. If any of them understood grammar, he was looked upon as a prodigy of knowledge. The monks forsook the austerities of their order, and became expensive and sumptuous in their diet and habit. The rich among the laity were abandoned to luxury and debauchery; they thought it a hardship to submit to the old customs of devotion, to appear in church at morning prayer, but had matins performed in their bedchambers whilst they were still at repose. The poor were generally made a prey to the wealthy, who treated them without humanity, and, as if they were by nature of an inferior creation: They were frequently plundered of their little effects, and sold for slaves to foreign nations. Justice, temperance, and religion, were rare qualities in this æra.

About this period the Synod was held at Winchester, in which it was decreed, that no canon of the church should be married. Those priests who had cures in the country, and were married, were not enjoined to part with their wives; but the bishops were directed, upon ordination, to exact from priests or deacons, a vow of celibacy to the following purport: *Ego frater* A *promitto Deo omnibusque sanctis ejus, castitatem corporis mei, secundum canonum decreta, et secundum ordinem mihi imponendum servare Domino. Præsule* N. *Presente.*†

The injuries and insults the king had sustained from the Scottish king, could not be brooked by his impetuous and haughty temper: Therefore, as soon as the confederates in Ely were suppressed, he marched northward with a powerful armament, and penetrated into Galloway. He had a fleet at sea attending his progress, keeping close upon the coast as he advanced.‡ Malcolm, on the approach of the English army, retreated from the borders, not being willing to hazard an engagement. He kept at a safe distance, well knowing the enemy could not subsist long in the country, and hoping a diversion would be made in Eng-

* Malms. l. iii. fo. 57. † Spelman's Concil. v. ii. p. 11.
‡ Lel. Col. v. ii p. 381

land, which might afford a fortunate moment for striking some blow. The king of England had too much penetration not to discover so obvious a project; and therefore made no lingering, but pressed forward into the heart of the country. This progress had its desired effect with the English sovereign, for it obliged Malcolm to propose terms of accommodation. The counties of Westmorland and Cumberland, which for several reigns had been possessed as fiefs of Scotland, were guaranteed to Malcolm and his successors, and he did homage for the same. According to Hector Boethius, the limits were ascertained by a cross erected on the heights of the desert of Stanmore, the remains of which are yet to be seen in the midst of a large entrenchment, and called Roy Cross.

On the king's return from this expedition, having previously entertained some displeasure against earl Gospatric, he deprived him of his government, under pretence of information that he was accessary to the death of Cumin, and an abettor in the slaughter of the Norman garrison at York. The earl had received intimation of the king's wrath, and knowing him to be implacable, after he had received a prejudicial impression against any man, fled into Scotland, and, after a short stay, passed over into Flanders, Malcolm perhaps, fearing to entertain him in his territories so soon after a peace concluded with England. But he afterwards returned to Scotland, and then Malcolm gave him Dunbar, with the adjacent lands in Lothian, for the support of himself and household, until better times. He died and was interred at Norham.* Buchanan charges the English refugees with introducing into Scotland, luxury, pride, wantonness, drunkenness, and other vices, to which, he says, that nation were strangers before their coming.

On Gospatric's deposition, Waltheof was created earl of Northumberland. He was the son of Siward, by Elfreda, the daughter of Aldred; so that he had a double claim to this government.†

In the king's return from his Scottish expedition, it is probable the succeeding bishop was elected to this See, at the king's nomination. Symeon speaks of a design to impose a tax on the church-lands; but the officer of the king's revenue, sent to Durham for that purpose, had a vision, by which he was deterred making any levies on the lands of St Cuthbert;‡ and the liberties and privileges of the church were afterwards confirmed, subject to the Norman feudal tenures.

* Lel. Col. v. ii. p. 381.
† Ibid. ‡ Sym. Dun. p. 195, 196.

WALCHER,*

who succeeded to the See, was of noble birth in Lorrain, and had received an excellent education at Liege, from whence he was invited over by the king to take upon him this episcopacy. His conduct was virtuous and amiable, and his religious principles in high esteem. With this elevated character he came over to England, in the spring of the year 1072, being of the order of secular clergy, and was consecrated at Winchester.†

The king, whilst on his northern expedition, observed how proper a situation Durham was by nature for being made a barrier against the incursions of the Scots, as also to keep in awe the inhabitants of Northumberland; the country north of Tyne, at that time, as it was during the possession of the Danes, having become the common receptacle of all the abandoned and dissolute wretches of the land, and the followers of those who were discontented with government, and ready on every occasion to take up arms, for the sake of those impious gains which were to be reaped in the times of public confusion and civil war. He therefore ordered a castle to be built at Durham, at once to secure his earl of that province from tumults and insurrections, as also to protect the bishop of the See and his church. Whether there was any fortress before that time on the eminence where the present castle stands, is uncertain; but the mount on which the chief tower is erected, appears to be of great antiquity; though Huntingdon's phrase touching the king's erecting a castle there, "*de novo*," discourages the idea; and yet it is not unfair to venture such a conjecture, from the circumvallations around the mount, the well-known mode of the Saxons. But be this as it may, it is not to be doubted, from the concurrence of the historians, that the king erected a fortress in this place; though the remains of an edifice of that date, or of the Norman mode of architecture, are not now to be traced.‡

Symeon writes, that the king, whilst he abode in Durham, entertaining a doubt of the incorruptible state of St Cuthbert's body, inquired diligently concerning it; and, notwithstanding the asseverations of several of the most pious and venerable men there, he still pretended to disbelieve it, and insisted on having an inspection of the sepulchre himself. Several bishops and abbots then present assented to his will, and thought it proper the king's pleasure should be complied with. Whether provoked by the delay, or his suspicion of fraud was increased by the reluctance of the ecclesiastics to comply with his desire, is not pointed out; but the king solemnly vowed, if he was deceived in the relations he had

* Sym. Dun. p. 193. † Lel. Col. v. ii. p. 381. v, iii. ‡ Lel. Col. v. ii. p. 331.

heard, if the incorruptibility of the Saint's remains was merely a tale to work upon the superstition of the vulgar, and the body was not found in the state represented to him, he would put to death all those of superior rank throughout the city, who had presumed to impose on him. A terror fell on such as heard his menaces, and they devoutly implored the mercy of God, through the merits of the blessed St Cuthbert, whilst the bishop, with the greatest solemnity, performed the service of high mass. The king, determined to satisfy his curiosity, immediately after the ceremony, commanded the officers of the church to open the sepulchre; and, whilst he stood by, he found himself smitten on a sudden with a burning fever, which distracted him, in an intolerable manner. Seized with such anguish and disease, he rushed out of the church, leaving untasted a sumptuous banquet, which the ecclesiastics had prepared for him; and instantly mounting his horse, he fled from the city with the utmost haste, never abating the speed of his courser, till he arrived on the banks of the Tees.* An indication of God's displeasure, like this, at an attempt to disturb the sacred remains, overawed the people, and contributed greatly to the veneration paid at the Saint's shrine.—Tradition says, the king, for haste, took his way down the narrow street called King's-gate, leading into the Bailey. The modern name of this street is Dun-cow-lane, from the sculpture of the memorable cow, on an opposite tower of the church.

Soon after our bishop was settled in his See, one Aldwin a monk of great piety, who had been prior in the monastery of Wincelcomb, zealous to live in stricter rules than those his convent had adopted, and take upon him greater austerities and self-denial, entertained a desire to visit Northumberland, where, in the early ages of the church, so many holy men had lived, and there to obtain some sequestered situation for his future residence. On his journey he gained two associates, Elfwy and Renfrid, who travelled on foot with him to the north, by turns carrying the necessary books and vestments for celebrating divine service. At first they took up their residence at Munkchester, now Newcastle; but their arrival being made known to the bishop, he sent them an invitation to settle within his territories; as he thought it preferable for them to be under the government of an ecclesiastic than of the civil power. Munkchester, though in the bishop's See, was under the government of the earl of Northumberland. He received them with much honour, and rejoiced that Providence had sent men of their order to abide in the province. He gave them for their residence the monastery dedicated to St Paul

* Sym. Dun. p. 194.

the apostle, formerly founded by Benedict at Gyrvum, now Jarrow. The walls were standing uncovered, and scarce any thing remained of its ancient greatness. With all possible expedition a roof was formed with wood, thatched with straw, and, in a short time, divine services were renewed. They made a loft for their lodgings, and the necessary occupations of household, and were sustained by alms. They were joined by several brethren from the southern parts of the kingdom, but few from the north, and speedily the monastery became numerous. As they increased in strength, having a desire to rebuild the church, and restore the ruined monastery, the bishop granted them the vill of Jarrow, with its appendages, viz. Preston, Monkton, Heworth, Hebborn, Wiston, and Hartdun, or Harton,* to enable them to effect their pious intention, and live above the meagreness of necessity. Earl Waltheof gave Tinmouth to this monastery, and permitted the monks to remove the remains of St Oswin to Jarrow.

After the religious fraternity had flourished at Jarrow some time, from causes not mentioned, but probably dissentions among themselves, or becoming too numerous by the destruction of Weremouth; Aldwin, though dissuaded therefrom by Elfwy with tears and most earnest supplications, with a few followers, resorted to the solemn solitude of the ruined monastery of Melros; and Renfrid, with another party, went to Whitby, whence, after a short residence, and many sufferings from robbers, and other persecutors, they removed to York, and there founded the monastery of St Mary. Elfwy, alone, of the first Benedictine settlers, remained at Jarrow.† Aldwin suffered much persecution from Malcolm king of Sotland, because he and his brethren, for conscience sake, refused swearing allegiance. Bishop Walcher, after many letters and messengers intreating their return in vain, at length threatened them with excommunication if they disobeyed his injunctions; in terror of which they returned to the See of Durham, and the bishop gave them for their place of residence the monastery of St Peter the Apostle at Weremouth; a seat described by Bede as being once both ample and noble, though then a melancholy scene of ruins. The monks having erected a habitation of wood and boughs of trees, took up their residence there; and it was in this place that Symeon took on him the habit of a monk. The bishop gave to this religious society the vill of Weremouth, to which his successor afterwards added Suddick. The naked walls of the church, which it does not appear were done any thing at from the time of the devastation by the Scots, were grown up with brambles and thorns. Those being rooted

* Sym. Dun. p. 202.—Lel. Col. v. ii. p. 382. † Sym. Dun. p. 203

out, the building repaired, and a roof made, divine services were in a little time restored. From the time the Pagans in their descent on the coast destroyed the churches and monasteries of Northumberland, to the third year of bishop Walcher's episcopacy, when Aldwin began to revive this house in 1075, was a period of 205 years, Symeon says, 208. Such was our bishop's veneration for the order of monks, and for the dignity of religion; such his dislike to having the solemn offices of his episcopal church performed by secular clergy, that he formed a resolution of taking on him that order, displacing the seculars, and bringing monks to the church at Durham. This, in the sequel, contributed not a little to the tragedy which soon after ensued.*

But to return to the events of the state. The king's prosperity and greatness excited the malignity even of the Norman chieftains: As is usual with usurpers, the exertions of power, for his own preservation, were arbitrary and severe. His countrymen were aggrandised by the destruction of those English nobles whose lives and and actions were a constant stigma to the tyrant's multiplied acts of violence, and their wretchedness pierced the hearts of many, even of those who flourished on their ruin. No rewards can lull the conscious heart from reflection, or greatness pervert the soul to praise the evil deeds of a tyrant; not even those by which that greatness exists. The rigour which the Normans experienced, together with the general affliction of the old inhabitants, urged many to enter into a conspiracy against the king, whilst he was absent in Normandy. Waltheof, though he had received such bounties from his sovereign, was a party in this confederacy, and vowed his secret aid and council should attend their projects, though he declined being active in the intended insurrection, as well on account of his obligation to the king, as for fear of a discovery by his lady, who was so near in blood to him. But the earl's conscience would not, on reflection, suffer him to proceed in a plot at once so full of villainy and ingratitude; he discovered the conspiracy to Lanfranc archbishop of Canterbury, and to Judith his countess, who prevailed on him to go secretly into Normandly, and reveal the whole to the king. The conspirators had engaged succours of men and arms from the Danes; but, fearful of the discovery of their plot by earl Waltheof, in whom they had no great confidence, they began their insurrection before the project was well ripened, or the Danish fleet arrived. Those circumstances contributed to the easy suppression of the rebellion, by means of the king's faithful friends at home, and his speedy return. Many of the chiefs were publicly exe-

* Sym. Dun. p. 208.—Lel. Col. v. ii. p. 383.

cuted, others mutilated, and deprived of their eyes. The king's prejudices were so implacable, that he never could pardon one in his heart who had offended him; and earl Waltheof, notwithstanding he received the fullest assurances of his majesty's affection, and of restoration to his good esteem, whilst in Normandy, yet a jealously was implanted in his bosom, which no contrition could remove, or good offices eradicate, and which in the end brought on the earl's ruin. It is said the accusations of his countess bore hard upon his fidelity in the last transaction. He was condemned to die; and, after several months imprisonment, was beheaded 29th April, 1075, on a hill near Winchester. He was the last Englishman, after the reduction of this country by the the Normans, who retained any considerable power or interest in the nation. His riches are said to have been the king's chief object in this execution. Ingulph* says, Ivo de Tailbois, a Norman chief in high favour with his sovereign, had a longing desire for his estates. Hoveden† speaks of the earl very respectfully; that he lived in the greatest friendship with our bishop, sat in the synods of his clery, humbly and obediently putting in execution the bishop's decrees for reforming religion, within the bounds of his diocese. His body was first interred near the place of execution, but afterwards removed to the chapter-house in the abbey of Croyland.‡ From this time Malmsbury dates the servitude and depression of the English; as much Norman as he was, he plainly enough intimates, that, from thence forward, the king had no manner of regard to them. Hence it may be conjectured, this prince's severity to the English was very great and universal, since this historian reckons as a trifle what the king had already done with respect to the spiritual and temporal lords.§

On the death of Waltheof, authors agree the bishop purchased of the king the earldom of Northumberland. This is the first instance of the civil power being united in one person, with the ecclesiastic, in this See. The king had created a palatine earldom in Chester, but no record shews a like creation in this province; though it is highly probable our bishop had a palatine jurisdiction granted to him, within the territories of St Cuthbert: And in order that the civil magistracy might not be attended with disputes and wranglings, touching the limits and extent of jurisdiction, with any earl appointed to Northumberland (as St Cuthbert's lands lay straggling in that district, save only those within the confines of Tyne and Tees), it is probable that his obtaining

* Ingulph. p. 74. † Hoveden, p. 455. ‡ Dug. Bar. v. i. p. 55.
§ Rapin, p. 176.

the earldom was for the purpose of a more impartial and regular dispensation of justice throughout the whole province. But, to form some judgment of the nature of this civil jurisdiction, it may be necessary to attend to what has been said by the best authors on the palatine power, the acts of succeeding bishops, in the fullest manner exemplifying the extent of their authority.

It would be useless to go at large into the history and definition of the title and office of an earl, in the Saxon and Danish times, as no traces thereof were annexed to our bishops before the time of the Normans. Those whose love of inquiry carries them beyond the present limits, will consult Selden in his titles of honour. He says, "the territories of Northumberland were possessed by its earls," (recounting their names down to Waltheof,) "as the king held them at the time of their creation."—By which it appears, they were viceroys of the province. Malmsbury says,* that Walcher bishop of Durham, under K. Wil. I., was *dux pariter provinciæ & episcopus:* On which Selden observes, "*dux provinciæ* may perhaps rather denote sheriff of Northumberland than earl." The term *earl* became obsolete and out of use on the accession of the Normans, and the office was fully expressed by the name of *comes*, which then received acceptation. A definition of this title appears in Johannes Sarisburiensis.—Speaking of the old notion, that the derivation was had from a participation with the king of one third of the receipts of the sheriffdom, says, "Comites a societatis participatione dici quis-quis ignorat, ignoratus est literarum qua literalis institutio primas tradere consuevit." *Comites*, in the Roman state, were attendants on the public magistrates, and executors of the law, as their deputies. The ancient mode of an earl's creation, was only *per cincturam gladii comitatus.* But besides the girding on of the sword, other ceremonies were used in after times, as luxuries and outside magnificence advanced. Bracton,† speaking of *comites* in general, but having his eye doubtless more especially upon those of his own country, says, they are called "comites, quia a comitatu, sive a societate nomen sumpserunt, qui etiam dici possunt consules a consulendo. Reges autem tales sibi assoiant ad consulendum & regendum populum Dei, ordinantes eos in magno honore & potestate & nomine quando accingunt eos gladiis iringis gladiorum. Ringæ enim dicuntur, ex eo quod renes gyrant & circumdant, & unde dicitur, accingere gladio tuo, &c. Et ringæ cingunt renes talium ut costodiant se ab incestu luxuriæ quia luxurosi & incestuosi Deo sunt abominabiles.

* Malms. De Gest. Pontif. l. iii. † Bracton. De rer. divis. l. i. c. 8. s. 2, 3, 4. l. ii. de acquir. rer. dom. c. 16.

"Gladius autem significat defensionem regni & patriæ:"* By which it appears his opinion was, that the title was a distinction of greater honour than a mere participator of the king's revenue; that it distinguished an *associate* with the sovereign in his councils and government of his people. *Earls*, from the time of the Norman accession, were titles local or personal, annexed to territories or to office. *Earls palatine* were local, having reference to a certain district or county; and Selden says, "were received here "doubtless out of the use of the Empire and France, and in the "like notions as it had in that use." Let it not be understood, that the circumstance of the earl's taking the third part of the revenue for his fee was ideal; for, by many patents of creation, it is confirmed; particularly in the time of K. Hen. II., in the following instance, with many others of later date. "*Sciatis nos fecisse* "*A. B. comitem de C. de tertio denario de N. & M. sicut aliquis* "*comes Angliæ liberius comitatum suum tenet:*" Of which this explication is given,† said to be extracted out of an old book of Battle Abbey; "*Consuetudinaliter per totam Angliam, nos anti-* "*quitus inoleverant comites provinciarum tertiam denarium sibi* "*obtinere inde comites dicti.*" What Selden says of local earls palatine is, "that they were of the same nature with those of the "Saxon time, that had both their earldoms to their own use, and "also, under the king, all regal jurisdiction, or *merum & mixtum* "*imperium*, insomuch as that the king's writ of ordinary justice "did not run there. Such was Ethelred's Ealdorman of Mero-"land under king Alfred, and his son king Edward. For though "the name of palatine be not found in the Saxon times, yet the "sense and substance of it was fully in that earldom: For to the "earl palatine, or count de palais, or count paleiz, (as they are "sometimes in law-books called), was to have the title of earl, or "the seism of a county or earldom, and *regalem potestatum in om-* "*nibus*, under the king, as Bracton well expresses it, where he "speaks of granting pardons to felons. *De felone aut probatore* "*nullus prisonam habere poterit ‡ nec de eo placitum habere nisi* "*ipse Dominus rex, cum nullus alius ei possit vitam concedere vel* "*membra. Et hæc verba sunt nisi sit aliquis in regno qui regalem* "*habeat potestatem in omnibus sicut sunt comites paleys*, so it must "be read; for the word *civitates*, interserted here in the print, is "superfluous, and not Bracton's, as his good copies shew,) *salvo* "*dominio, domino rege sicut principi, vel si sit aliquis qui de con-* "*cessione Domini regis, talem habeat libertatem.* What alteration "the later ages made in the jurisdiction of counts palatine, may "be especially seen in the statute of 27th K. Henry VIII., by

* Selden, p. 638. † Ferne, p. 12. ‡ De Corona, l. iii. c. 3.

"which their power of granting pardons, of making writs in their "own names, and the like, are taken from them."

The county of Chester was granted to Hugh Lupus, by deed to the following effect: "*Gulielmus primus Hugonem cognomine "Lupum vice comitis Abrincencis in Normannia filium primum he-"reditarum & palatinum Cestriæ comitem creavit, totumque hunc "comitatum tenendum sibi & heredibus ita liberè ad gladium, sicut ip-"se (rex) totam tenebit Angliam ad coronam.*"* Selden observes, "That by this grant, the king's seigniory of the lands of the bi-"shopric, it seems, passed not to him; for, in Doomsday-book, "which was written in the time of this earl, the words are, *In ces-"tresyre tenet episcopus ejusdem civitates de rege quod ad suum per-"tinet episcopatum. Totam reliquam terram comitatûs tenet Hugo "comes de rege.* But the regal jurisdiction that followed the grant "made to earl Hugh was such, that the earls had their courts both "of criminal and civil justice; their barons also, as their great coun-"cil; and every of these barons had *curiam suam liberam de omnibus "placitis et querelis in curia comitis motis, exceptis placitis ad gladi-"um ejus pertinentibus;* where his *jus gladii*, or *dignitas gladii* is ex-"pressed: As also in that of the county of Flint: *comitatus Flint per-"tinet ad gladium Cestriæ.* To this day the county palatine of Ches-"ter (it being always preserved in the crown as a county palatine "when there is no prince of Wales, and it is given to the prince of "Wales when he is created) hath had chamberlains, who supply "the place of chancellor; justices before whom the causes, that of "their nature should otherwise belong respectively to the king's "bench and common-pleas, are triable; a baron of the exchequer, "a sheriff, and other officers proportionably to those of the crown "at Westminster." The same author adds, that "in no summons "to parliament, or other record, is the earl stiled *palatine;* but, "from the regal jurisdiction, it gained that acceptation."

The bishops of Durham,† in Selden's words,‡ had, from ancient

* Spel. Glos. p. 143.

† The jurisdiction of the bishop of Durham extends to all places between Tyne and Tees.—Viner's Rep. 14th Jac.

The king v. bishop of Durham, S. C. & S. P. and Dodridge J. said, that this appears by the statute of prerogative.

The jurisdiction extends as well to the manors of other men as to the demesnes of the bishop.—Vin. Rep. 14th Jac.

S. C. & S. P. 3 Bulst. 156, 157. S. C. The court were clear of opinion, that the jurisdiction of the bishop extended throughout the whole country; and judgment for the bishop.

In this county-palatine, there is a court of chancery, which is a mixed court both of law and equity, as the chancery at Westminster: Herein it differeth from the rest, that if an erroneous judgment be given, either in the chancery, upon a judgment there according to the common law, or before the justices of the bishop, a writ of error shall

‡ Selden's Titles of Honour, p. 641, &c.

"time, *omnia jura regalia & omnes libertates regales infra liber-*
"*tatem suam Dunelmensem*:* that (say the counsel of Anthony

be brought before the bishop himself; and, if he gives an erroneous judgment thereupon, a writ of error shall be sued returnable in the K. B.—4th Inst. 38.

The court of the county-palatine is an original court, and reckoned in the number of superior courts.—Arg. Saund. 74 Pasch. 19th Car II. in case of Peacock, v. Bell.

Courts-palatine. Durham, erected by William the Conqueror, &c. A superior court, in as ample a manner as a court at Westminster; and the king's ordinary writs do not run there.—Gilb. Hist. C. B. 155.

Counties-palatine were certain parcels of the kingdom assigned to some particular persons and their successors, with royal power therein to execute all laws established, in nature of a province holden of the Imperial Crown: And therefore the king's writ passed not within this precinct, no more than in the marches. These were occasioned from the courage of the inhabitants, that stoutly defended their liberties against the usurping power of those greater kings that endeavoured to have the dominion over the whole heptarchy, and, not being easily overcome, were admitted into composition of tributaries; and therefore are found very ancient; for Alfred put one of his judges to death for passing sentence upon a malefactor for an offence done in a place where the kings writ passed not.—Bacon on government, 75. cap 29.

Every earl-palatine created by the king of England, is a lord of an entire county, and has therein *jura regalia*; which *jura regalia* consist of two principal points, viz. in royal jurisdiction, and in royal seigniory. By reason of his royal jurisdiction, he has all the high courts and officers of justice which the king has; and, by reason of his royal seigniory, he has all the royal services and royal escheats which the king has; and therefore this county is merely disjoined and severed from the crown, as is said in the case of the dutchy Pl. C. 215. b. So that no writ of the king runs thither, unless a writ of error, which, being the dernier resort and appeal, is alone excepted out of all their charters.—15th Eliz. D. 321, & 345, & 34, H. 6. 42. Dav. Rep. 62. a Trin. 9th Jac. in the exchequer in the county-palatine of Wexford's case.

Before the st. 27th Henry VIII. the bishop of Durham was as a king, and might pardon all matters, and had *jura regalia*, but that statute took away part of it. Treasons, felonies, and murders, were pardoned by the bishop; he hath his judges, and they have their fees from him; and, in writs of trespass, the writ is of trespass done *contra pacem Episcopi*. All this was before the stat. of Henry VIII. Arh. 1. Bulst, 160. in the case of Hern v. Lilburn.

A *certiorari* to remove a record from Durham was denied by B. R. and said they had denied this before; and though they had power to do it, yet they would not in such a case oust them of their jurisdiction. Per Coke, Ch. J. 2 Bulst. 158. Mich. 11th Jac. anon.

County-palatine holds *tam liber per gladium pro ut rex coronam*—2 Bulst. 227. Pasch. 12th Jac. Bowes v. bishop of Durham.

A county-palantine has *jura regalia*, and therefore may prescribe to have *bona et catalla felonum*.—Per Coke, Ch. J. & Doderidge; and so of *bona felonum de se, per* Coke.—Roll. Rep. 399. pl. 26. Trin. 14th Jac. B. R. the king v. bishop of Durham. So he shall have the goods of such as stand mute, and the bishop shall have these, and the goods of felons and traitors, as incidents to a county palatine, and not to be questioned for it in a *quo warranto* to shew his privileges.—2 Bulst. 226. Pasch. 12th Jac. Bowes v. bishop of Durham.

The county-palatine of Durham is not of late standing like that of Lancaster, but is immemorial; and a custom there, is of great authority. *Per curiam Mod.* 173. Mich. 25th Car. II. C. B. anon.

The stile of the justices in Durham, is always justices itinerant; and there is no great sessions at all in the county-palatine; and therefore the act of 5th Eliz. c. 25. which gives the *tales de circumstantibus* in Wales, and the counties-palatine must be understood of such courts in the counties-palatine as answer to the grand sessions in Wales.—12 Mod. 181. Hill. 9th Wil. III. Lamb v. Jennison.

* Plac. Parl. 21st Edward I. fo. 59.

"Beke, in his assigning of errors in parliament, upon a judg-
"ment of seizing his liberties given against him by the justices
"in eyre of Northumberland, under Edward the First,) *a tem-*
"*pore conquestus Angliæ & antea*, yet there he pleaded not, in
"express words, that he was *comes palatinus*, although in other
"cases since, he be sometimes so stiled; as under Edward III.
"Thomas bishop of Durham, to an information against him for
"a contempt in not certifying a record, pleads,* *Quod ipse est*
"*comes palatinus & dominus regalis cujusdam terræ vocatæ le bi-*
"*shoprique de Duresme, et habet omnia jura regalia quæ ad comi-*
"*tem palatinum & dominum regalem pertinet, per se justiciarios et*
"*ministros suos exercenda, &c.* So he is called *un counte palys*,
"and *count de paleys*, in other pleadings in the year-books. But
"it was never used in the bishop's stile; although the seals being
"round, not oval, as those of other bishops and of abbots, have,
"on the first side, the form of a bishop, sitting in his chair, cir-
"cumscribed with the bishop's name, *Dei gratia episcopus Dun-*
"*elmensis*; and, on the reverse, an armed man on horseback,
"his sword drawn, and the bishop's arms, sometimes of his fa-
"mily, sometimes of his bishopric, on the shield, circumscribed
"with the like words; which shape on the reverse is expressed,

A county-palatine may hold plea of maintenance.

The bishop of Durham, by ancient charter before the time of Ed. III. had the forfeitures for treason and all felonies of his tenants between the rivers Tyne and Tees. The statute 25th Edw. III. of treasons, does not take away the said grant to the bishop; it only declares what offences are treason. The grant to the bishop does not extend to treasons enacted after the grants, nor to new forfeitures given to the crown after the grant.—Jenk. 237. pl. 16.

4th and 5th Eliz. c. 27. all fines levied before the justices of the county-palatine of Durham of tenements within the county, shall be of like force as fines levied with proclamations before the justices of C. B. at Westminster.

Action of debt to be tried in Durham, and the record sent to the chancellor of Durham, because the bishop's See was empty; and, before the day given by the judges, a bishop was elected, and he sent the record and not the chancellor.—Brownl. 51. Trin. 15th Jac. Person v. Middleton.

When the defendant lived in the county-palatine, and the lands lay there also, and a bill was brought for the same in chancery, it was for that reason dismissed. Toth. 144. cites 13th & 14th Eliz. Botely v. Savil.

No appeal lies in chancery, from a decree in the county-palatine; but if any appeal lies, it must be to the king himself.—Per North Keeper. Vern. 184. pl. 181. Trin. 1683. Jennet v. Bishop.

The king shall have *quare impedit* of advowson in Durham.—Br. Cinque Ports, pl. 21. cites 5th Ed. II. *Quare Imp.* 165.

The sheriff of Durham was sued before the council of York for an escape, and because this concerned his office of sheriff, and that he was an officer of the bishop of Durham, and so the jurisdiction of the county-palatine impeached, a prohibition was granted, and *per* Whitlock, and Bridgman, when suits come into chancery, which concern the county-palatine of Durham and Chester, the lord chancellor will dismiss them. 2. Roll. Rep. 53. Mich. 16th Jac. B. R. Selby's case.

Viner's Abridgement, v. vi. p. 573.

* Pasch cor. rege 46th Ed. III. Northum. Rol. 42.

"*tanquam comitis palatini*, saith learned Camden, who writes also, "that, soon after the coming of the Normans, this bishopric was "a county-palatine; that is, had the right and jurisdiction of a "county-palatine; which may be believed rather than that plea "of bishop Beke, where it is supposed, that the regal jurisdic- "tion there, (whence the title of count, or countie palatine, was "afterward begotten) had been in the bishop, as well before the "coming of the Normans as afterward. There is colour to think "that the palatine-jurisdiction began there in bishop Walcher, "whom king William I. made both *episcopus & dux provinciæ*; "that he might *refnare rebellionem gentis gladio, & reformare "mores eloquio*, as William of Malmsbury says.* For, before "Walcher was bishop, the county, by the name of *comitatus "Dunelmensis*, was in lay hands. *Anno tertio regni sui* (saith Or- "dericus Vitalis) *Gulielmus rex Dunelmensem comitatum Roberto "de Cuminis tradidit qui mox cum militibus quingentis civitatem "confidenter adiit.* But it is probable that *dux provinciæ* denotes "there only the sheriff of the county, or one that hath *curam co- "mitatus* only, as Hoveden saith Walcher had, howsoever he be "commonly taken for an earl of Northumberland in that age. "The story also of Hugh de Puzaz, bishop of Durham under "king Richard the First, is to be particularly noted on this sub- "ject. He bought the earldom of Northumberland of the king, "who being merry with him at his creation, said he had done a "wonder in making a young earl of an old bishop. Was he then "an earl of his bishoprique and earldom, or *county-palatine*, be- "fore this creation? And some speak of the creation of Puzaz, "as if there had been some kind of a perpetual annexing of an "earldom in Northumberland to that church. Yet his creation "was but for life. Matthew Paris, and some others, expressly "say so.† But, however, the bishop of Durham, and the earls "of Chester and Pembroke, were together accounted, under "Henry the Third, three especial lords of the kingdom, that had "like regal jurisdiction: For when a *nuper obiit* was brought "against John Scot earl of Chester, by other the coheirs of Ran- "dal earl of Chester, and the summons was made on some of his "lands in Northamptonshire, he pleaded *quod noluit respondere "ad hoc breve nisi curia consideraverit, & consideratione parium "suorum per summonitionem factam in comitatu Northamptoniæ de "terris & tenementis in comitatu Cestriæ, ubi brevia domini regis*

* De Gest. Pont. l. iii. p. 277.—Ed. Franc. Hist. Ecclest. l. iv. p. 512.

† Hugo de Puzaz Dunelmensis episcopus emit sibi et ecclesiæ suæ Northumbriæ comitatum in vita sua, qui a rege gladio comitatus accinctus, nomen sibi comitis usurpavit. Quo gladio cincto, rex cum cachinno astantibus dixit, Juvenem feci comitem de episcopo veterano.—Mat. Paris, sub initio Ric. I. an. 1189.

" *non currunt.* But, *quia usitatum est hucusque, quod pares sui* " *& alii qui libertates habent consimiles, sicut episcopus Dunelmen-* " *sis et comes Marescallus, respondent de terris et tenementis infra* " *libertates suas per summonitionem factam ad terras & tenementa* " *extra libertates suas. Ideo consideratum est quod respondeat.* " And touching this county-palatine of Durham in the later ages, " see Rot. Parl. 7th Ed. VI. Rot. Parl. 7th Ed. VI. Part viii. " and 1st Mariæ, chap. iii."

" *Besides the possessions which made their earldoms, and " the eminent power which, by reason of those possessions, they " most commonly had in their counties, it may perhaps be con- " ceived they had also some such power in the more ancient " times, through their counties, as if they had been legal gover- " nours of them under the king. The story of Leulfun and " Leodwin, under Walcher bishop of Durham, and (as it is " taken) earl of Northumberland, in the time of William the " First, may give some argument of persuasion to this purpose, " &c. &c. In their possessions or earldoms, the earls had such " jurisdiction, and other privileges, as they had received by the " king's grant, and such power besides as the largeness of their " possessions and number of tenants only gave them. But, other- " wise, none since the time of the Normans. And for those tes- " timonies before brought, that may seem to perswade the con- " trary, that Walcher bishop of Durham, if he was earl of " Northumberland, was sheriff also. He had *curam comitatis* " *Northimbrensium*, as is already noted; and one Gilbert, his " kinsman, was his under-sheriff. So Hoveden is to be under- " stood in the same story. *Gilberto, quia suus propinquus erat* " *comitatum Northumbrensium sub se regendum commiserat.* And " it appears he executed such a kind of power as belongs to a " sheriff in the county. And if in truth he was earl, yet it is not " doubted but that he had the sherifwick also by special grant, " as some other earls in those elder times had likewise. And the " *vice comes*, or under sheriff, had the charge, as well of *the mi-* " *litary defence*, as *civil government* of the county."

The mode of investiture, was the sovereign's girding the earl with a sword, and placing on his head a coronet of gold, after which he was robed by the attendants. Seldon doth not trace this investiture further back than the time of K. Edw. III. in the precedents he quotes, but says, it was much more ancient than the express memory of it in charters now extant.*

* Pateat universis quod ego Willelmus de Lavenham thesaurius nobilis viri domini Adomari de Valentia comitis Pembroc. recepi in custodia de domino Henrico de Stachedene *unam coronam auream dicti comitis* in quodam coffino sigilato sigillis domini Walteri Alexandri & dicti domini Henrici in presentia magistri Johannes de Wyte-

Palatinus is used by Hierome Isa. 65, as signifying a nobleman, or *regulus;* and, by the sages of the law, our bishop is stiled *dominus regalis*, who for time immemorial hath enjoyed the *jura regalia*. See Rot. Parl. Pasch. 21st Eliz. Rot. 5. which Lord Coke calls a notable record of the liberties of the bishop of Durham, and therefore is allowed for such in the king's court.

As to the personal titles of *comes palatini*, it will suffice to repeat Selden's words* in one instance; "In the more ancient "times, some of the most eminent officers, being local earls, were "yet sometimes stiled *comites*, or *consules palatini*, with relation "to the court only, as if that personal title had sufficiently de-"signed them by joining the title of *comites* to a word that gener-"ally expressed their personal office. For *palatin* was in that "sense used also in England, and not only attributed to the local "earls palatin, of whom enough is before said. The origination "of this personal title of palatin, as it generally denoted officers "of the court, is before shewed in the empire. But, for exam-"ples of it in England: Odo bishop of Baieux and earl of Kent, "under William I., is called *consul palatinus* in *Odericus vitalis*, "an Englishman that wrote under king Stephen, *Quid loquar de "Odone Bajocasino præsule qui †consul palatinus erat et ubique "cunctis Anglia habitatoribus formidabilis erat ac velut secundus "rex passim jura dabat?* This title of *consul palatinus* was given "him, not as he was earl of Kent, or a local earl, for his earl-"dom was not palatin, but as he had a personal office in the "court, under the king, or a general power of lieutenancie, cre-"ated in the court, but extended through the kingdom. For he "was *totius Angliæ vicedominus sub rege*, as William of Malms-"bury says of him; and *princeps palatii*, as Ingulphus stiles him; "or *curæ palatinæ regnique negotiis specialius præpositus*, as the "author of Gesta Regis Stephani speaks of Roger bishop of "Salisbury. And in this sense, it seems, Johannes Sarisburien-"sis in one place calls all great officers of the English court, "*comites palatini*."

Lancashire was governed by earls until the time of king Edward III., when the earl of Lancashire was advanced to the dignity of a duke. On the accession of John of Gaunt, fourth son of king Edward III., to this dukedom, the king advanced the earldom of Lancashire into a palatinate, by patent; the tenor of which sufficiently explains what was the idea of the great officers of the

cherche & Johannes Bunting. In cujus rei testimonium huic scripto sigillum meum apposui. Datum Londoniæ die dominica post festum decollationis sancti Johannis. A. D. MCCCXIX.—Selden, p. 680.—Spel. Gloss. p. 142.

* Selden, p. 685. † Spel. Gloss. p. 148.

crown, and legal acceptation of that authority in that æra. *We have granted, for us and our heirs, to our son aforesaid, that he, during the term of life, shall have, within the county of Lancaster, his chancery, and his writs to be issued under his own seal belonging to the office of chancellor; his justices likewise, as well for pleas of the crown, as for other pleas relating to common law, to have cognizance of them, and to have power of making all executions whatsoever by his writs and officers; and to have all other liberties and royalties, of what kind soever, appertaining to a county-palatine, as freely and as fully as the earl of Chester, within the said county, is known to have.*"

Notwithstanding the learned Selden's opinion, most authors who have touched upon the subject have determined, that the palatine power of the bishops of Durham was prescriptive;* and the editor of Camden hath advanced, "that it proceeded at first "from a principal of devotion to St Cuthbert, that whatever "lands were given to him, or bought with his money, he should "hold them with the same freedom as the princes who gave them "held the rest of their estates. But this piety to the Saint was "not without its prudential purposes all along, both for the ser-"vice of the crown in the wars of Scotland, and also for the ser-"vice of the country." Our great lawyer, Sir Edward Coke,

* What was meant in England by the terms of county palatine, must be explained by example and precedent, rather than by definition. As to the earldom of Durham in the 21st year of K. Ed. I. 1293, a great cause was brought before the king and his council, at the king's suit or attachment, touching the behaviour of John archbishop of York, toward Anthony bishop of Durham. The cause was first commenced before the court of king's-bench, then brought before the king's council, and then before the king's council in parliament. In the court of king's-bench, Richard de Bretteville, the king's general attorney, pleadeth, amongst other things, that the bishop of Durham hath two states, namely, the state of a bishop, as to spiritualities, and the state of *comes palatii*, an earl of the palace, as to his temporalities: In this process, the archbishop of York admitteth the bishop of Durham's twofold capacity, namely, that of a bishop, united to that of a baron. This twofold capacity the other bishops of England had, as well as Durham; they had a spiritual office, to wit, a bishopric, and a secular dignity, to wit, a barony. The archbishop of York seems to make little or no difference between the bishop of Durham, and the other bishops, in respect of the palatine capacity of the former, and the baronial capacity of the latter; as if men had not at that time in England, a distinct notion of the title of a palatine.—Bar. Angl. 150. 1. 2. Claus 31. Ed. 1. m. 3. dorso Riley's placita parl. p. 135, where this proceeding is set down at large.

The occasion of this proceeding against John Roman, archbishop of York, arose from his high misdemeanour and usurpation upon the king's crown and dignity, in presuming, the year before, to excommunicate Anthony Beke bishop of Durham, whilst attending on the king's person and service in the northern parts, for his and his servants imprisoning two of his clerks, viz. John de Amelya a public notary, and Wm de Melton of Pickering, for bringing a citation to summon the bishop to appear before him, and refusing to release them upon his monitions and interdicts, for which he was adjudged to be imprisoned, and to pay a fine of 4000 marks to the king Prynn's K. John, 456. 560.———MSS. Tho. Gyllarm.

whose authority we may rest upon, says, "This county-palatine "was first raised soon after the time of William the Conqueror." The same cause that occasioned the creation of the county-palatine of Chester, might promote ours. The country was so situated as to make a proper barrier and safeguard against the incursions and depredations of the Scots, on which account it was necessary to repose, in the vicegerent there, those powers and authorities which might best enable him to render essential services to the state, in times of public danger, according to the nature of each exigency.

Camden expresses himself on this matter as follows: "Nec "minus Gulielmus Normannus a cujus statim tempore comitatus "palatinus indicatus est, et episcopi tanquam comites palatini "sigillo insculpserunt militem cataphractarium phalarato equo "insidentem altera manu gladium vibrantem, altera insignia "episcopatus prætendentem cum inscriptione, *Crux veritati comes.* "Juraque sua regalia habuerunt episcopi, adeo ut proscriptorum "bona illis non regi cederent, & ipsa plebs immunitatibus elata "merere in Scotia sub rege recusarit."

Among modern writers, it may not be amiss just to take a short view of what is said on this head by one or two of the most judicious. Speaking of the Franks, from whom many customs are derived, Sullivan says,* "But as it was unsafe to trust the "government of those new subjects in the hands of one of their "nation, the king appointed annually one of his companions, or "*comes*, for that purpose, in a certain district; and this was the "origin of counties and counts. The business of these lords was "to take care of, and account for the profits of the king's de-"mesnes, to administer justice, and account for the profits of the "courts, which were very considerable, as the Roman laws about "crimes being by degrees superseded, and consequently capital "punishment in most cases abolished, all offences became fine-"able, a third of which they retained to themselves. They also, "in imitation of the lords of the Franks, led their followers to "the wars."

As to the offices of earls and counts palatine, he speaks thus: "The office of these counts was threefold; to judge the freemen "in peace, to conduct them in war, to manage the king's de-"mesnes in their respective districts, and to account with him "for them and the profits of his courts of justice, which were "very considerable, when all offences were punished by fines. "Their first constitution must be referred to the time of the di-"vision of England into counties, to which they had a reference,

* Sullivan's Lectures, p. 51.

"which is generally ascribed to Alfred. Their power and office "was exactly the same with the counts on the continent in those "early times, namely, to judge and lead the freemen to war; "for the greatest part of the lands of England were at that time "allodial (paying neither fines or rendering services,) as is proved "by Spelman, contrary to the opinion of Sir Edward Coke; "although with him it must be allowed, that there were fiefs also "before the conquest, and that they were not all introduced at "that period. But William having turned all the lands into "feudel, was obliged to put his earls on the same footing that "those on the continent were in his time, and consequently to "make them hereditary. But, to prevent the too great influence "which their judging in person might acquire to them in their "districts, officers chosen by the people, and approved by the "king, were substituted to administer justice, under the names "of *vice-comites*, or sheriffs: These were to pay to the king two-"thirds, and to the earl his third, of the profits, which was in "those times looked upon as so incident to an earldom as to pass "with it, although express words were wanting; so that, in those "times, an earl and a county were co-relatives." "The effect "of the creation of counties palatine, was to have *jura regalia*; "for the earl-palatine might pardon treason, murder, and other "offences; might make justices of assize, gaol delivery, and of "the peace; might create barons of his county-palatine, and "confer knight-hood. They had likewise all forfeitures that "arose by the common-law, or by any prior statute; but for-"feitures arising from statute made after the erection of the coun-"ty-palatine, belonged to the king. They had courts as the "king had at Westminster, and out of their chancery issued all "writs, original and judicial. Neither did the king's writ run "within the county-palatine, except writs of error, which are in "the nature of appeals; or in cases where otherwise there would "be a failure of justice. All manner of indictments and proces-"ses were made in their name, and every trespass was laid to be "done against the peace of him that had the county-palatine. "But these, and some other privileges, have been taken away, "and annexed to the crown, in whose name they must now be; "but the test of the writs is still in the name of the earl-palatine."*

Judge Blackston, in his Commentaries, speaking of counties palatine, delivers himself to this effect: "Counties palatine are "so called *a palatio*; because the owners thereof, the earl of "Chester, the bishop of Durham, and the duke of Lancaster, had,

* Sullivan, lect. xxi. p. 197, &c.—Baron. Ang. p. 150.—Selden's Tit. of Hon. p. ii. c. 5.—Bacon's Hist. &c. Laws Engl. p. i. c. 29.

"in those counties, *jura regalia* as fully as the king hath in his "palace: *Regalem potestatem in omnibus*, as Bracton expresses "it.* They might pardon treasons, murders, and felonies; "they appointed all judges and justices of the peace; all writs "and indictments ran in their names, as in other counties in the "king's; and all offences were said to be done against their "peace, and not, as in other places, *contra pacem domini regis.*† "And indeed, by the ancient law, in all peculiar jurisdictions, "offences were said to be done against his peace, in whose court "they were tried; a court-leet, *contra pacem domini*; in the court "of a corporation, *contra pacem ballivorum*; in the sheriff's court "or tourn, *contra pacem vice comitis.*‡ These palatine privileges "(so similar to the regal independent jurisdictions usurped by the "great barons on the continent, during the weak and infant state "of the first feodal kingdoms in Europe,)‖ were, in all probabi- "lity, originally granted to the counties of Chester and Durham, "because they bordered upon enemies countries. Wales and "Scotland, in order that the owners, being encouraged by so "large an authority, might be more watchful in its defence; and "that the inhabitants, having justice administered at home, might "not be obliged to go out of the country, and leave it open to "the enemies incursions." "Notwithstanding their abridged "power by late statutes, the reason for their continuance in a "manner ceasing, still all writs are witnessed in their names, and "all forfeitures for treason, by the common-law, accrue to them.§ "Of the three, the county of Durham is now the only one re- "maining in the hands of a subject." Vol. i. p. 117.

In was an ancient maxim, *Quicquid rex habet extra comitatem Dunelmensem, episcopus habet infra, nisi aliqua sit concessio aut præscriptio in contrarium.* The bishops had great extent of power, as the several records hereafter to be pointed out, in succession as they fall under every episcopacy, will evince. They had power to levy taxes for the defence and service of the palatinate, and make truces with enemies; to raise defensible troops, within the liberty, from 16 to 60 years of age, and to impress ships for war. They sat in judgment of life and death, and held execution by life or limb. They had power to create barons, who, with their vassals, were bound to attend the bishop's summons in council: And thence may be observed, the greatest part of the lands within the liberty are held of the bishop as lord paramount *in capite.* They coined money, granted licences to embattle castles, build churches, found chantries and hospitals, instituted corpo-

* Bract. l. iii. c. 8. † 4th Inst. p. 204. ‡ Seld. in Heug. Mag. c. ii.
‖ Robertson, v. i. p. 60. § 4th Inst. p. 205.

rations by charter, to which the crown's assent was not essential to maintain their legality; and granted markets, fairs, &c. They had all manner of royal jurisdiction, both civil and military, by land and by water, for the exercise whereof they held proper courts, and appointed officers and other ministers of every department, as well such as the crown nominates without the liberty, as such as the king has been used to depute, according to the exigency of special cases, or for the special execution of acts of parliament. The bishop's officers by patent are, the temporal chancellor, to whom belonged the care of the levies, the custody of the armour, and pay of the troops; constable of Durham Castle, the great chamberlain, under chamberlain, secretary, steward, treasurer, comptroller of the household, master of the horse, stewards of the manors and halmot court, sheriff, prothonotary, clerks of the chancery, crown, and peace; keeper of the rolls, cursitor, registers, and examiners in chancery, clerk of the county-court, stewards of borough-courts, escheators, feodaries, auditors, and under auditors; clerk of the receipts of the exchequer, supervisors of lordships, castles, mines of coal, lead, and iron; coroners, conservators of ports and rivers; officers of the marshalsea, clerks of markets, keepers of the great seal, of ulnage, of his wardrobe and harness, and master armourer. He had several forests, chaces, parks, and woods, where he had his foresters, who held courts in his name, and determined matters relative to forests; parkers, rangers, pale-keepers. He was lord high-admiral of the sea and waters within and adjoining the county-palatine; had vice-admirals, and courts of admiralty; judges to determine according to the maritime law; registers, examiners, officers of beaconage, anchorage, &c. and he awarded commissions to regulate waters, and passages thereon. "Thus, by themselves and officers, they did "justice to all persons, in all cases, without either the king, or "any of his bailiffs or officers interfering ordinarily in any thing. "Whatever occasion the king had within this liberty, his writs "did not run here; they were not directed as to his own officers "in other counties, but to the bishop himself, or, in the vacancy "of the See, to the proper officers of the palatinate. When king "Henry II. sent his justices of assize hither upon an extraordi- "nary occasion of murders and robberies, he declared by his "charter, that he did it with the licence of the bishop, and *pro* "*hac vice tantum*, and that it should not be drawn into custom "either in his time or in the time of his heirs, not being done "but upon absolute necessity; and that he would nevertheless "have the lands of St Cuthbert to enjoy their liberties and an- "cient customs as amply as ever."*

* Gibson's Camd. p. 935.

The statute *de prerogativa regis, cap.* 1. takes notice of Tyne and Tees as the

But enough has been said for the reader to form a judgment of the origin and nature of the palatine power here; whether it

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boundaries of the county-palatine; and, in granting to the king the custody of the lands of infant heirs of tenants, *in capite*, there is an exception of the privilege and right of the bishop of Durham in his county-palatine.

The bishop of Durham having a county-palatine by prescription, was entitled, by the like prescription, to escheats and forfeitures for treason. Then comes the act of the 25th King Edward III. to declare what should be treason, and gives to the king the forfeiture as well of lands held of him as of others, without any saving of the rights of other persons: Yet this act, being only declaratory of the common-law as to the treasons, was adjudged to be only declaratory as to the forfeiures, and gives no new right; nor does it take from the bishop his ancient right. Dy. 288.

After this comes the statute 26th King Henry VIII. which carries the forfeiture to estates taile, and those the bishop shall not have, but the king, the bishop having no right before to that forfeiture. Dy. 288. 3d Inst. 19. 3d Bul. 157.

Certain reasons humbly offered to exempt the inhabitants within the county-palatine of Durham from the jurisdiction of the temporal courts to be established at the city of York.—In the auditor's office.

De baronibus episcoporum & eorum consilio & parliamento.

It is said the barons of the bishops of Durham were four in number, some say seven.

1. The prior of Durham for the time being, who was pre-eminent.

2. Hilton of Hilton. Qui baroniam de Hilton tenuer. de episc. Dun. Dav. Rep. 62. Fuit sum. ad parl. K. Ed. I. Dugd. Bar.

3. Conyers de Sockburn. In Dugd. Bar. p. 2. 290, dicitur qd. Coniers fuit baro. epi. temp. Steph. Rex.—Coniers had sum. to parl. 1st Hen. V.

4. Bulmer of Branspeth. G. de Nevil duxit in uxem Emmam fil. & hered. Bartram Bulmer cum qua hu'it Brancepeth temp. Hen. VII. Dugd. Bar. pt. 1. p. 592. Ibid. Rad. Bulmer hu'it sum. ad parl. temp. Ed. III. & fuit s. de Manerio de Thorp Bulmer.

Fuer. etiam Surtesius de Dinsdale.

Handsardus baro. de Evenwood.

Lomleius ut dicunt.

Ravensworth ut alii.

Duo de agro Lincoln ut alii dicunt.

Quidam fuerunt homines nobiles & prudentes qui appellati fuer. barones epor Dun. & fuer. ex eordem epor. consilius & de parliamentis suis. Sed in variis temporibus epor. varii fuerunt aliquando barones.

Rogerus de Coniers Gaufridus Escoland & Bertram de Bulmer barones epi.—Whart. Angl. Sac. 716.

Dns episcopus Dun. hu'it parliament. de suis magnatibs proceribs & coitate dnii & regiæ libertatis Dun. v. in com. Hatfield Ep, Rot. claus. A. sch. 4 in dorso. Bury Ep. cl. Rot. 13 in dorso.

Vide de consilias epi in Cart & Rot. Bury 19. Fordham, &c.

Cartæ sign. per Dnm. epum. & cons. Bury. Rot.

Per consilium & cons. Dni temp. Laur. Ep. Rot. M. M. 1, 2.

Carta Nevil per advisament. consilii sui. 18 Pont. Rot. D. No. 5.

MSS. Jacobi Mickleton R. de Int. Temp. Lond. & aliquando Collegii Christi in Acad. Cantabrigiensi Alum.

These MSS were extracted by John Rudd, Esq; the originals now not to be found. In Mr Rudd's extracts they are said to have consisted of four vols.

Titulus primi lib. De officiis & officiariis temporalibus infra epatum & comitatum palat. Dunelm & de aliis rebus & materiis temporalibus tangentibus episcopos Dunelmenses & comitatum palatinum & episcopatum Dunelmensem.

Liber secundus, sine ullo titulo.

Liber tertius. De potestate dom epor Dunelm ut admiral. infra regalem libertatem suam Dunelm. & in, & supra aquas in eadem libertate sua, & tangens wreccam

existed before the Norman accession, or was created by king William I. whether it is a personal or local authority, and what was its latitude and jurisdiction.

To return to our bishop, who was not happy in having united the temporal duties with the spiritual. It has been noticed, that the dissatisfied temper of the Northumbrians under the Norman accession, and their habitual disposition, did not promise a speedy submission to new authorities. They regarded the bishop, from his civil capacity, in a light they had never seen any of St Cuthbert's successors; and from their hatred to one of his characters, lost their reverence for the other. The veneration in which the people were accustomed to hold their bishop, was dreadfully shaken when they saw the holy prelate taking on him the exercise of legal severities, and enforcing the laws of the usurper, whose name, character, and cruelties, they held in the utmost detestation. Some of the monastic writers charge the bishop with a perversion of justice, not determining causes which came before him according to their merits, but to gratify some sinister purposes, by which he and his officers accumulated much wealth from the oppression of the subject; whereby the popular odium was encreased against him to such a degree of madness, as nothing but blood could satiate.* Symeon endeavours to screen his character, and lay an imputation on his ministers, as if he was not even accessary by a privity to their crimes. He says, he was a man of moral life, and, for virtue and good manners, worthy the affection of the best of men. It is certain, from all authorities, he made a very improper choice of ministers and favourites. His kinsman, Gilbert, was entrusted in the administration of the earldom, and his chaplain, Leofwin, was his archdeacon in ecclesiastical matters, and chief confident in all private affairs. This author charges the latter with purloining much of the ornaments and treasures of the church, and distributing them amongst his kinsfolks. Of the former, he says his soldiers treated the people with intolerable insolence, taking away by force whatever their wantonness of power dictated, and putting to death even those of higher birth. A Saxon nobleman, whose name was Liulph,* eminent for his personal virtues, possessions, and great alliance (he having married Algitha, sister of Elfleda, wife of earl Siward, and mother of Waltheof,) was in great favour with the bishop, being frequently one of his council, and at his table.† When Gilbert afflicted the

maris in eisdem contingentibus, & de pontibus et aliis regiis viis in libertate predicta. Liber quartus. De potestate dom. episcoporum Dunelm in arraiando homines armatos defensibiles infra libertatem suam regalem Dunelm. Et de commissionibus eorundem episcoporum & postea regum Angliæ emanatis premissis tangentibus. Et de monstrationibus seu armilustrariis hominum armatorum & aliorum a 16 usq ad 60 infra regalem libertatem Dunelm.——Rudd's MSS.

* Sym. Dun. p 208. † From whom the barons Lumley are descended.

province by frequent rapine and oppression, it was conceived his evil actions were supported by the connivance of the bishop.—Amidst the indiscriminate depredations of the deputy, Liulph's estates suffered part of the marks of the spoiler's hand, on which he applied to the bishop, with remonstrances against the improper conduct of his *vice-comes* and archdeacon.* The jealousy and resentment of the Norman favourites thenceforth were grievously excited; and Leofwin thinking himself particularly affronted by Liulph's repeated charges to the bishop, solicited Gilbert to put him to death. This, from an equal spirit of resentment, he readily undertook; and, besetting his house with troops in the night-time, put Liulph to the sword, with the greatest part of his family. This act of violence encreased the tumult of the Northumbrians, by whom Liulph was greatly revered and beloved, and they anxiously waited a proper opportunity to revenge the horrid massacre of this illustrious and innocent family. It was in vain for the bishop to attempt appeasing the enflamed minds of the populace, by the most solemn asserverations of his innocence, and detestation of the crime. He did not bring the perpetrators to justice, notwithstanding the anger which he expressed against the offence, but, negligent of the rights of the injured, he suffered the guilty persons still to go at large, and execute the high offices they held; which appearances determined the judgment of the people, that the crimes were perpetrated by his connivance, and with his privity. It is probable he might not be anxious to relax any part of the severities of his government, thinking he should thereby bring the Northumbrians earlier to submission.

Not long after the foregoing transaction, the bishop, in exercise of his civil jurisdiction, held a public assembly of his council and ministers at Gateshead, whither the suitors repaired; and although the following catastrophe, Symeon says, was predicted to him by a man risen from the dead at Ravensworth, yet he went thither without a sufficient military force to secure him from injury, depending on the veneration hitherto paid to the sacredness of his office.† The appearance of the people immediately indicated their disposition for mischief; they were not to be restrained, were insolent and refractory. The bishop was at length alarmed for his safety, when it was too late to procure succour. He caused his officers to assure the people, that part of the business of the assembly was to make restitution to the relations of the deceased. The rage of the populace encreased to such a height, that at length he offered to bring Leofwin to trial,

* Lel. Col. v. ii. p. 383. † Sym. Dun. p. 209.

that the law might determine his fate. But the mob were so tumultuous and inflamed, they refused to submit to the common forms of justice. The bishop perceived it was too late to appease them; their ferocity of temper displayed a total contempt of his official authority as earl, or sanctity as bishop; they beset the house with a clamour which struck the whole assembly with terror; and, on a watchword being pronounced from every quarter, which some of the monastic authors have recorded, *Short red, good red, slea ye the bishoppe*, they discovered their arms, which hitherto were concealed under their garments. The few guards the bishop brought with him, dreading no mischief, on their arrival dispersed themselves, and were reposing here and there in a negligent manner: Such were surrounded, and put to the sword. The bishop privately retreated to the church, whither he summoned a few of the chief men of each party, to propose terms of amity and satisfaction. Those who conceived they could influence the mob, went out to appease them, but, without respect of persons, many were slain. The bishop commanded Gilbert to go forth, and endeavour to reconcile their wrath, but he was an immediate victim to their vengeance. Some of the rioters set fire to the church, whilst others guarded the door, and put every one to death that attempted to depart. Those who remained within, no longer able to endure the force of the flames, rushed out, and were instantly slain. The last of the assembly was the venerable prelate; his heart was overwhelmed with affliction for the death of his people: Whilst his benevolence lamented their unhappy exit, he denied all the feelings his own approaching fate might have inspired in a less generous bosom; for he could not hope that his life would be spared by the savage and mad multitude. Between the impending evils, for a moment, he was indeterminate what death he should die. The fire urged him to the sword of the enemy; the enemy drove him back to the flames. At length no time was left to irresolution. The fire blazed upon him on every hand. Putting up a short prayer to Heaven, he advanced towards the howling and clamorous multitude. With one hand he made a fruitless signal to command silence; with the other, he sanctified himself with the sign of the cross; and, folding himself in his robe, he veiled his face, and was instantly pierced to the heart with a lance. The venerable, the awful remains of the man, did not stay their brutality: His death did not satiate their vengeance; for they inhumanly mangled his body with their swords.*

This catastrophe happened on the 14th day of May 1080, the

* Angl. Sac. p. 704.—Symeon, p. 213.

bishop having held the See nine years and two months. The leader of the riot was Eadulf, surnamed Rus, great-grandson of earl Uchtred, and consequently of affinity with Liulph. It is said he killed the bishop with his own hand, and soon afterwards died by the hands of a woman, and was buried at Jedword; from which place of sepulture his body was afterwards cast out by the command of Turgot, when prior of Durham, and left to rot upon the earth. It is mentioned, with some probability, that the secular clergy, fearful of being displaced from the church at Durham, assisted to spirit up the discontent of the people against our bishop's administration, and not a little contributed to enflame them to their violent proceedings.

The death of the bishop being told to the monks of Jarrow, they took a boat and came to the place, where they found the remains of their prelate, scarce to be known from his wounds.—They conveyed the body to their monastery, and from thence to Durham, where they gave it private sepulture in the chapter-house. The rioters, after these execrable acts of violence, immediately repaired to Durham, and beset the castle, where they met with a valiant resistance. Having used every effort to reduce the fortress, for four days, in vain, they dispersed themselves.*

The king was highly provoked by the traiterous actions of the Northumbrians, and sent down into the north his brother Odo, bishop of Baieux, with a large body of troops, to punish those guilty of the outrage, and to take vengeance for the massacre of the bishop and his people. Odo, Symeon says, *tunc a rege secundus fuerat*, was his chief justiciary; and, having crossed the Tyne, the chiefs of the offenders being fled at his approach, he wasted the country, put many to death, and mutilated others, who were of consanguinity to the murderers, and could not pay the price set on their heads; amongst whom many innocent wretches suffered under the avenger's sword. According to Symeon's description, he desolated that part of the province so as to reduce it to a dreary solitude and desart. He reflects on the memory of Odo in this expedition, asserting, he took from the church, under a pretence of lodging it safe in the castle, one of its greatest ornaments, for admirable workmanship and curious materials, being a pastoral staff, made of sapphire; which fraud was attempted to be covered by a report that it was stolen by some of the soldiers.†

During Walcher's episcopacy the king gave may rich gifts to the church. He caused the crucifix presented by Tosti to be

* Symeon, p. 216. † Lel. Col. v. ii. p. 384.—Sym. p. 217.

adorned anew with gold and gems.* He gave a fee † of gold, and a precious robe to the service of the church. He restored Billingham, which had been forcibly with-held for many years; and gave to St Cuthbert, for ever, Hoveden, and also Waltham, with its noble monastery and church. In this reign, one Scot gave Aclam, Acleam, or Acley, to the church, with its appendages.‡

In the last year of Walcher's episcopacy, that great survey, or terrier of the lands of England, called the Doomsday-book, was begun; and, what is singular, Durham, Northumberland, and Cumberland, are not inserted therein. Many conjectures have been made to account for this omission. Cumberland was then a fief of Scotland, and Durham and Northumberland were so wasted § and destroyed, as not to be esteemed worth the expence of a survey. This is plausible: But may it not be objected, that all the country from York to Durham is in this survey, though laid waste for nine years. Our country, most probably, was omitted as being a territory granted to the church, with all immunities, save military service, and over which the civil jurisdiction was now vested in the bishop, as palatine. Indeed Chester makes part of the survey, and was a palatinate. The bishop was then, it is presumed, created palatine; had the arraying of the military, and the services of his barons. The levies and taxes were under his authority; and the interposition of regal powers, from that event, appears to be no longer of use here. These facts being left with the reader, his own judgment must suggest the cause of the omission.‖

After Walcher's death, the See of Durham continued vacant for some short time, during which period Northumberland experienced all the severities of war. That territory devoted to the

* Lel. Col. v. ii. p. 384.—Sym. p. 185. † Maream. ‡ Lel. Col. v. i. p. 332.—Symeon, p. 97. § Rapin.

‖ Walcher, consecrated, A. D. 1072; murdered, 14th May 1080.——Dugdale, v. i. p. 56.

Officers of the See during Bishop Walcher's time.

High Sheriff, and Chancellor,—Gilbert, the bishop's nephew:—Murdered 14th May, 1080:——Alfaicus & Linlinus: v. Selden, p. 326.

Constable of the Castle,—Roger Coniers.—He was lord of Socburn about the time of the Norman conquest, A. D. 1068: He was, by William the Conqueror, made Constable of Durham Castle, and keeper of all the soldiers arms within it. The office of constable or captain, was afterwards, by deed, passed to him, and his heirs-male, for ever, under the great seal of William de Sancto Karilepho, the succeeding bishop.

The office of Constable of the Castle of Durham, *latine Conestabilis & Constabulariis si'e magister militum*, was an office of special trust, as in him was reposed the charge and conduct of all the soldiers, horses, armour, and other provision of war appertaining to the bishops of Durham, who were formerly princely persons, and of very great dignity.——Randall's MSS.

horrid executions of the sword, was almost depopulated by the vengeance of Odo; and no sooner had he ceased his devastations and cruelty, than it was entered by Malcolm, who having received the murderers of bishop Walcher, pursued Odo in his retreat, and harrassed the rear of his army; or as Fordun says, put the flying party to the rout, and proceeded into Yorkshire, where they collected a rich booty. The king sent his eldest son Robert against the invaders, who having information of his approach, retreated slowly before his army, giving him no opportunity of coming to action. The prince, by laborious marches, penetrated Scotland as far as Eglesbreth, without effecting any thing material.* On his return into England, he directed a castle to be built at Monkchester, from thence called *Newcastle on Tyne.*

After a vacancy of six months and nine days, from the death of Walcher,† the king, on the 9th November 1080, nominated to this bishopric

WILLIAM DE CARILEPHO,

abbot of the monastery of St Vincent the martyr in Normandy. He was consecrated, on the 3d of January following, by Thomas archbishop of York, at Gloucester, in the presence of the king, and all the bishops of the realm.‡ From his excellent genius and parts, he soon gained his sovereign's confidence and favour, and was made chief justice of the realm. He came to the bishopric after the horrid devastations before mentioned, when much of the district was laid waste, and the distraction occasioned by his predecessor's death was not fully subsided. With the assistance of the king, and by an exertion of his own superior abilities, he soon restored the See to peace, and regulated the disorders which had crept into the administration of his province. Pope Gregory, by his bull directed to the king, commanded an establishment of the See of Durham, with all its possessions, by royal charter, and that the bishop should therein enjoy, within his territories, all similar royal liberties and dignities as the king held by his crown in other parts of his realm; freed, exempted, and acquitted, of all services and other impositions. And thereupon the king, by his charter made in council A. D. 1082, confirmed to the bishop the laws and rights of St Cuthbert, and granted all such things as were commanded by the precept of the Holy See.§

* Fordun, lib. v. c. 21. † Sym. Dun.—Chr. Mailr. p. 160.—Brompt. p. 977.
‡ Ang. Sacra. p. 704.—Symeon, p. 217.—Lel. Col. v. ii. p. 332.
§ Omnes *dignitatis et libertates quæ ad regis coronam pertinent ab omni servicio & inquietudine impertuum liberas munitas & quietas.—Bulla.*—Et omnia quæ Dnus Papa *in suis literis precepit.—Chart.*

This bull and charter are not in being, but the evidence thereof was insisted upon by the bishop of Durham in his chancery, in a cause there lately depending, touching

Having gained leisure to attend to the affairs of his church, in the year 1082 he granted Jarrow and Weremouth to the monks there, and confirmed to them whatsoever his predecessor Walcher had given to their monasteries, to hold the same in as ample a manner as he himself held the rest of his territories. This instrument was made at London, in council there, the king being present.*

In the following year the bishop proceeded to accomplish what his predecessor began, to dispossess the secular clergy, and place monks in his episcopal church. For this purpose he applied to Rome for a precept or licence from pope Gregory the Seventh, which having obtained, he grounded his charter thereon†, which expresses, that he made the same by the command and council of the Holy See, the king being present at his making thereof, whereby he appoints, "That the future priors of the church at "Durham should have all liberties, dignities, and honours of an "abbot, with the abbot's seat in the choir: To hold all their "lands and churches in their own hands and free disposition, so "as the profits thereof might thereby be increased as much as "possible. And as it had pleased the king to exempt him and "his people from all customs due to the crown, by command of "the Holy See, he granted to God and St Cuthbert, and his "priors, all their liberties, dignities, and honours, together with "the before-mentioned exemptions, for ever; and ordained, that "the same should be inviolably observed, under the penalties of "a dreadful anathema." This charter is dated at Westminster, in the 4th year of the bishop's episcopacy, in council, all the bishops and barons being present, and subscribing the same‡. He

the liberties of the manor of Seaton Carew, from a recital thereof in one of the grants from a bishop of Durham to the prior and convent, entered in one of their chartularies.

* Prima *Carta* originalis *Willelmi* Episcopi.

"Ego Willielmus sedem episcopatus St. Cuthberti gratia Dei adeptus, terram illius pene desolatam inveni; Ego Gierowet aquilonarem Weremutha cum ecclesiis earum & omnibus suis appenditiis monachis statim in primis congregatis tradidi. Et præterea confirmo eis quicquid Walcherus, &c. eis dedit, &c. in quibus omnibus omnes libertatis eis concedo quascunq. meliores ego ipsa in terra mea habeo, &c. Hæc cum suis appendiciis rex *idem* literis sigillo suo signans confirmavit. Hæc ego Willielmus epus, &c. facta sunt hæc omnia in consilio London. Coram domino Willielmo rege, anno 1082. Test. Archiepis Epis. & Baron.—E. MSS. Dr Ch. Hunter.—Randal's MSS.

† This instrument is not in the archives of the church, or published in any collection of records I have met with.

‡ In nomine Patris & Filii & Spiritus Sci amen, &c. Quare notum sit tam præsentibus quam futuris, quod ego Willelmus Dei grati Dunelm. epus. Præcepto & concilio domini Gregorii Papæ septimi, in presentia Dni mei Willielmi regis, constitui ut omnes futuri priores Dun. eccliæ, omnes libertates, dignitates, & honores abbatis habeant, & sede abbatis in choro, &c. Omnes vero teras suas et eccl'ias in sua manu

granted to the monks, Rennington, two Pittingtons, Haselton, Dalton, Merrington, Shincliff, and Elvet; that they might have 40 merchants there free from all duties to the bishop.* In the year 1084, the king made his confirmatory grant, or charter, dated at Westminster, in the 18th year of his reign. In this instrument the king stiles himself *Rex Anglorum hæreditario jure*; and expresses it to be made by the command of pope Gregory the Seventh, and at the instance and petition of the bishop Lanfranc, and Thomas his archbishop's assenting thereto; whereby he grants and ordains, that the secular canons of the church of St Cuthbert be removed, and monks introduced therein; that the monks of Jarrow and Weremouth be received by the bishop, and the possessions the canons enjoyed be given to the monks, together with those they formerly held: That each future prior should enjoy the liberties, customs, dignities, and honours of an abbot, having the abbot's seat on the left side of the choir: That they might have full power of nominating and removing the officers of the church; and, equal to the right of a dean, have the first place and voice after the bishop, and with the chapter, in the election of a bishop; and also enjoy equal honours and dignities with the dean of York. And he did also thereby grant and confirm unto them, whatever was granted by their bishop; that they might hold their lands and churches in their own free disposal, so that no one should intermeddle therein without their licence and consent; and keep their churches in their own hands, to encrease, as much as might be, the revenues thereof; And also confirmed to them all other dignities and liberties which William their bishop had granted: And also granted and confirmed to them, all their possessions, as well those they then held, as what they should acquire in future, or purchase with the money of St Cuthbert; free and acquitted for ever, with their people, from all outgoings, taxes, rents, tolls, and other regal customs appertaining to him in right of his crown: Commanding that the liberties, dignities, and privileges before mentioned, should be maintained inviolable

& libera dispositione habeant vel teneant ut semper, &c. Testificor etiam, quia dominus rex ab *omnibus suis consuetudinibus*, &c. abstulit, &c. Omnes præscriptas libertates, dignitates, & honores, Deo & Sto. Cuthberto, & prioribus suis præcepto et auctoritate Dni Papæ, &c. inperpetuum concedo & inviolabiliter observari præcipio, signis, &c. Et uc hæc confirmatio mea in æternam firma permaneat, præsentem cartam propria manu signo Stæ Crucis ✠ impress. & confirmavi. Hæc carta confirmata est apud Westmonasterium quarto anno epatus mei, in consilio, &c. A. D. 1083. MSS. Dr Ch. Hunter.—Randal's MSS.

* Et ego (W. de Karilepho) monachis Dun. tradidi Renyngton, duas Pittingdunas, Haselden, Daltun, Merringtun, Syneclive, Elvet, ut ubi xl m'catorum domus monachi ad usu. p'prium h'eant. qui prorsus ab omne episcopi servitio liberis semp. existant. —Mon. Aug. v. i. p. 43.

for ever.* The secular canons who had a desire to remain in the church, were invited to assume the habit of monks; but only one of them chose to enter into that order. The bishop then proceeded to nominate the chief officers, appointing Leowine secretary, and Aldwin prior. The secular clergy were not dismissed without an ample provision, a comfortable retreat being provided for them: Symeon says, by the pope's command, the colleges of Aukland, Darlington, and Norton, were instituted by this bishop for their reception; and others add Lanchester, Chester, and Easington. It was not probable the ministers of the episcopal church, not charged with any offence, should be turned adrift without some suitable provision.†

From the bishop's attendance at court, he was frequently obliged to be absent from his See. On some such occasion he wrote the affectionate epistle to his convent, as given in the notes.‡

In the month of April, A. D. 1087, Aldwin the prior, departed this life in the 14th year of his abode in the province of North-

* Diploma W. regis de mutatione canonicorum Dunelmensium in monachos. In nomine Patris, &c. Ego Willielmus Dei gratia rex Anglorum hœreditario jure factus ex præcepto Dni Gregorii Papœ septimi et ex petitione & concessione Dni Wilmi Dunelmensis epi, &c. Concedo et constituto ut canonici sœculares de eccl'ia beati Cuthberti amoveantur, & monachi in ipsam introducantur, qui ibi, &c. quos de duobus ep'us sui locis Weremuthe, scilicet & Girroe, epus ipse accipiat, et omnes possessiones quas canonici in terris vel ecclesiis habere dinoscuntur monachis adjiciat cum omnibus prœdiis ecclesiis & redditibus quos prius habuerant. Volo etiam et præcipio, ut omnes priores Dunelmensis ecclesiæ qui futuri sunt, eos libertates consuetudines dignitates et honores, abbatis obtineant, et sedem abbatis in choro sinistro habeant et omnes fratres officiales libere statuant & removeant, et jure decani primum locum & vocem post epum. et in epi sui electione cum capitulo suo teneant. Et quascunq. dignitates seu honores decani Eboracenses sub archiepis. Eboracensibus et super archidiaconos ipsius eccliæ libere possiderint priores Dunelmensis sub epo. et super archidiaconos ipsius ecclesiæ libere et quite imp'petuum habeant. Concedo etiam eis et confirmo quicquid Willielmus epus, &c. dedit, &c. Priores libera fratru voluntate eligantur qui cunctis diebus suis sua dignitate libere et quiete perfruantur, &c. Hæc et o'ia alia quæ in præsenti possident vel in posterum adquirere juste potuerit, &c. in eccl'iis, terris & aquis, villis, planis & pascuis, molendinis, cum sac & socne, tol et team, & Infangenthef, et ut curiam suam plenariam et Wrech in terra sua libere et quiete imp'petuum habeant concedo et confirmo, &c. Hæc carta confirmata est apud Westmonasterium in concilio meo anno regni mei xviij præsentibus o'ibus epis & baronibus meis, &c. A. D. 1084.——Mon. Angl. v. i. p. 44.

† Sym. Dun. p. 220.—Lel. Col. v. i. p. 331. v. ii. p. 385.

‡ Guillelmus Dunelmensis episcopus suis in Christo fratribus, & filiis Dunhemensibus cœnobitis, salutem & vivificam benedictionem. "Non credo vos discredere quantum mihi displiceat, quod vobiscum, ut deceret, morari non valeo; sed qulicunque modo vel loco peccando laborem, mens tamen in vobis assidue delectata quiescit. Precor ergo, ut & vos tribulationes nostras mente cotidie videatis, & imbecillitatem meam devotis orationibus et ellemosinis caritative & sine fastidio sustentetus. Hoc autem præcipiendor precor, & præcando præcipio, ut in amorem ordinis vestri fervendo crescatis, & ordinem pro nulla necessitate vel causa declinare permittatis, & nulli percatis in ordine. In æcclesia vero non properando, sed licenter & honeste psalmos & cœtera decantetis. Confessiones vestras frequenter priorii faciatis; conventus ferniter, & absque ulla retentione ab omnibus teneatur, preter egrotos & eos qui exterioribus negotiis sunt regula-

umberland.* He left an exemplary character to his successor. He was a man of infinite goodness of heart, and possessed a modesty of temper as singular as his eminent virtues. His prudence was a safe rule for his fraternity, and his counsel was full of wisdom. Those good qualities were not superior to his assiduity, in which he never exceeded the bounds of religious discretion.—Turgot, his disciple, succeeded him as prior.†

After bishop Walcher's death, the earldom of Northumberland was given to one Alberic, a Norman,‡ who proving unequal to so great a trust, in so turbulent a province, exposed to repeated incursions of the Scots, quickly resigned it, and returned into his own country. Geoffrey, bishop of Courtance in Normandy, succeeded to this earldom. He was one of the leaders in the king's army on his first descent, and whose valour was distinguished at the battle of Hastings; to reward which, he had a grant of very extensive territories.§ On his declining the office, Robert de Moubraie, his nephew, was nominated thereto: But no author has pointed out the exact periods when these successions took place.

In the same year with our prior died king William the First. During the last seven years of his reign, the only matter met with in history concerning Northumberland is, that, on an alarm given him of an intended invasion, which Canute king of Denmark was preparing, the king brought over from the continent a great army of foreign mercenaries, for the defence of his dominions here, of which several thousands were stationed in Northumberland. After all that this miserable country had suffered, those soldiers had orders to waste and plunder it, that the invaders might find no subsistence therein. The expedition this foreign power was preparing against England, was frustrated by domestic troubles and adverse winds; so that all but the devoted land of Northumberland escaped the dreadful effects of the war which was threatened.

Our bishop, on the accession of William Rufus, still retained his office and honours at court, and, by some authors, was stiled prime minister. A great defection appeared among the Norman barons, in the spring succeeding the coronation, who declared

riter deputati. Et quia præsens vobis quæ deberem dicere non valeo, litteras istas unaquaque septimana semel in capitulo recitate, ut & hæc firmius teneatis, & me in his litteris loquentem audiendo Deo diligentius commendetis. Et quia caritas operit multitudinem peccatorum, non solum peregrinis & hospitibus, sed omnibus omnino gentibus veram facite caritatem. Per hæc & per alia bona opera faciat vos & hic sane temporaliter vivere, & perennem gloriam æternaliter possidere, qui vivit & regnat Deus per immortalia sæcula sæculorum.—Symeon Dunelm, p. 231.

* Sym. Dun. p. 233. † Lel. Col. v. ii. p. 385. ‡ Ibid. v. ii. p. 376.
§ Dugd. Bar. v. i.

for Robert, the late king's eldest son, and insurrections were fomented in various parts of England. Odo bishop of Baieux, the king's uncle, was the chief of the malcontents; and, by his influence and oratory, drew many into his plot for placing Robert on the throne. But the king, by the attention and assiduity of Lanfranc archbishop of Canterbury, having been put in possession of the royal treasures, and conducted in various prudential measures soon crushed the rebellion, which appeared so formidable at its out-set. William bishop of Durham, and Moubraie earl of Northumberland, were among the insurgents. The king, after prevailing against the southern powers, sent an army into the north, which laid siege to the castle of Durham, and soon reduced it, obliging the bishop to fly into Normandy. Moubraie was with his uncle Geoffrey in the Castle of Bristol, but it is uncertain what was his lot, on its surrender.

The See, during the bishop's absence, was governed by the prior of Durham; but the temporalities were seized to the king's use. Ivo Tailbois, and Erneisus de Burone, took possession of the Castle of Durham, with the territories thereto belonging, on the 13th of December. The king not only seized the lands between Tyne and Tees, but he severed from the See Hoveden and Welton in Yorkshire, and gave them to Odon *(Comes campaniæ)*, and Alan earl of Richmond. The prior and convent were not molested by the king's officers, but permitted to enjoy their property in peace. During this vacancy the monks built their refectory.*

The troubles in the state being now put an end to, the king, well knowing the indolence and mildness of his brother Robert's disposition, formed a project to dispossess him of Normandy.—In the execution of this scheme, some of the king's troops were besieged in a fortress not capable of long resistance, and were reduced to great extremities, when, by the interposition of our bishop, the garrison was preserved from the sword. Soon afterwards a peace was concluded, and, for this meritorious service, the bishop was received again into the royal favour.†

Before the king's return from Normandy, Malcolm of Scotland, expressing a dissatisfaction at his usurpation, seized the occasion of his absence, and entering by Northumberland, invaded England. Moubraie earl of Northumberland, with other chiefs of the northern parts, raising a powerful army, impeded his progress, though he had time to send off parties with great booty into Scotland. The king being informed of those transactions, hastened to England, where he arrived in the month of August;

* Lel. Col. v. ii. p. 386.—Sym. Dun. p. 235. † Lel. Col. v. ii. p. 386.

and soon after moved with a large fleet and army to chastise the northern foe for this violence. The season was unpropitious to an attempt of this nature: A storm happened a few days before Michaelmas, in which the fleet was almost totally wrecked; and the army, by the severity of the season, and scarcity of provisions, suffered very greatly. Yet notwithstanding those unfavourable circumstances, a peace was negociated between the contending powers, and Malcolm did homage to the king, on having confirmed to his crown twelve towns in England, and an annual pension of twelve marcs of gold, as it was settled in the preceding reign, on Cumberland being resigned to the crown of England. It was on this expedition the king restored the bishop of Durham to his See on the 11th day of September, A. D. 1091.*

In the year following, new disturbances arising between the two kingdoms, the king of Scotland again entered Northumberland, and wasted the whole district as far as Alnwick, where he and his son were slain. Various accounts are given of this tragical blow; the most probable attribute it to an ambuscade formed by a detachment of earl Moubraie's troops in garrison at Bambrough.† This event produced great revolutious in the state of Scotland; and, in the end, the happy accession of Edgar, son of king Malcolm Canmore, was the consequence.

The bishop, in his exile, was not negligent of his episcopal church; for, on his return, he presented thereto, various sacred vessels, and other ornaments of gold and silver, together with a valuable collection of books.

On the bishop's restoration, the lands severed from the See by the king were restored; Alverton, which had been given by his majesty soon after his accession, and during his displeasure taken away, with Hoveden and Welton, were given up. The bishop soon afterwards granted to his convent of Durham,‡ the vill of Kelton; also the vills of Wisfelington (Willington) and Wall's-end, Fenham, and Norham, north of Tyne; with the church of the Holy Trinity in the city of York; and also renewed his grant to the prior and convent of Elvet, in the suburbs of Durham, *in the order of a borough*, that there they might have, to their proper use, forty merchant's houses, or tradesmen's shops, freed for ever from all duties and services to the bishop and his successors; and also gave to them the churches of Elvet, Acliff, Haselden, and Dalton, Hoveden, and Welton, Walkington, and Brantingham, in Yorkshire; with the tythes belonging thereto; and also confirmed to them what his predecessor had granted to their

* Sym. Dun. p. 236.

† See the accounts of this transaction in the View of Northumberland.

‡ Symeon, p. 234.—Lel. Col. v. ii. p. 332, 386.

monasteries of Jarrow and Weremouth.* His munificence was unlimited; for, not content with giving these rich presents and noble ornaments, he brought over from Normandy the plan of a new church, devised in the stile and magnificence used on the continent; and, in the year 1093, he began the erection of the stately edifice yet remaining at Durham. The foundation was laid at the time Malcolm made his journey to the English court, previous to his last fatal expedition to Alnwick; as, in the offices of laying the first stones of this sacred edifice, Malcolm is named with the bishop, and Turgot the prior. In those days the holy architects performed this part of their duty with the most solemn and religious rites: *Facta cum fratribus oratione, ac data benedictione, fundamenta cæperunt fodere.*†

During the time of those great distractions in Scotland, occasioned by the death of Malcolm and his son, earl Robert Moubraie incurred the displeasure of his sovereign, by associating with William D'Eu, and other Norman lords, in a conspiracy for deposing him, and advancing to the throne Stephen count of Aumale, or Albemarle, the son of a sister of K. Wil. I. The king, informed of the plot, summoned the earl to attend, at his peril, at the court, on the approaching festival of Whitsuntide; but, elated with his late atchievement at Alnwick,‡ he refused to attend without hostages, and safe conduct being granted to him by the crown. The king, enraged at this insolence, marched northward with his army; and, after a siege of two months, reduced the castle of Tinemouth, where he took prisoners the earl's brother and almost all his chief retainers. But advancing to Bambrough, where he held a strong garrison in person, the king, on viewing the fortress, had the mortification to hear it pronounced, by his engineers, impregnable. The only manœuvre he found expedient was to erect a fort, in the neighbourhood of the castle, called a Malvoisin,§ where a few troops could annoy the garrison, by interrupting their supplies of provisions, and cutting off their foraging parties. Leaving some trusty friends on this command, he moved southward with the chief body of

* Lib. Rub. 48, E tenore cartæ Willielmi de Karilepho Dun. epi. sup. lib'tatib. & possessionibus monachis co'cessis.

1082. Carta ima, in eccl. Dun. fo. 70. DONO insuper eis eccl'iam de Elvet, & eccl'iam de Acha, & eccl'iam de Hesilden, & eccl'iam de Daltona. Et in Everwickscire in dominiis meis eccl'iam de Hoveden, & eccl'iam de Welletune, & eccl'iam de Walkintune, & eccl'iam de Brantingham cum omnib. p'tinentiis earum & cum om'ib. decimis de cuntis ip'is dniis meis. Et p'tea. confirmo eis q'cq'd Walcheriis epus predecessor meus eis dedit scil'et ip'am villam Girwe, Prestun, Munecathuna, Heathwithe, Heaberine, Winistone, Heortedune, cum om'ib. appendiciis ear. in quib. om'ib om'es lib'tates eis concedo quascunque meliores ego ipse in tra mea h'eo.—Mon. Ang. v. i. p. 43.—Randal's MSS.

† Sym. Dun. p. 236.—Lel. Col. v. ii. p. 386.—Ang. Sac. p. 704.

‡ Hunting. p. 373.

§ Englished, *An ill neighbour.*

his army. The earl making an excursion at night with a small troop of horse, in hopes of surprising Newcastle on Tyne, was pursued by part of the troops of Malvoisin, and obliged to change his route to Tinmouth, where with a small party he sustained a siege of six days. Having received a wound in his leg, which disabled him from duty, and his attendants being dispirited and unrelieved, they surrendered the castle, and were all made prisoners. The king directed, that the earl should be led before the walls of Bambrough, which his wife, and Moræl his lieutenant still held; that the garrison be summoned to surrender, or otherwise the earl's eyes instantly be put out, in their presence. This menace had the desired effect; the place was delivered up to the king's troops, and Moræl received his pardon; but the unhappy earl was committed prisoner to the castle of Windsor, where he languished thirty years, and died. Thus ended the numerous succession of viceroys and earls of Northumberland; the government of that province being, from thenceforth, in the hands of the crown, save only in those instances of interruption hereafter to be pointed out.*

Two years after the changes in Northumberland, Edgar, the eldest surviving son of Malcolm, was, by the aid of the king of England, restored to the possession of his father's throne, without much bloodshed. This great event the monks of Durham† ascribed to the protection of their patron Saint. It seems the bishop of Durham, on his assumption of palatine jurisdiction, had displayed a military standard, similar to that used by a sovereign prince, which was called the banner of St Cuthbert. In Edgar's expedition is the first instance of its being named by historians; for it is said, as Edgar was on his march towards Scotland, he had a vision of the Saint, who promised him the protection of Heaven, directing him to obtain his banner from the convent, and display it on his march at the head of his army, assuring him his enemies should fly before him. The whole revelation was observed, and the happy event succeeded. The king, in testimony of his gratitude, granted to the convent the place and lands of Coldingham, with several adjacent villages, whose names, as mentioned in the grant, are known, with little variation of spelling, to this day. The ancient abbey and monastery were restored; a colony of monks, some short time afterwards, was sent from the church at Durham; and the priory of Coldingham continued, for several ages, to depend thereon as a cell. Edgar assisted in person to dedicate the church to the blessed Virgin; and, on that occasion, made to the church, and the monks of St

* Lel. Col. v. ii. p. 332, 385, 386.—Scala Chron, v. ii. † Fordun, l. v. c. 30.

Cuthbert, a gift of some additional lands in the Merse, called the lands of Swinton, as they had been possessed by Liulph, together with twenty-four beasts for tilling them anew. By two other charters he granted Paxton and Fishwic, with the lands lying between Horndean and Knapdean. He ordained the like privilege of sanctuary to Coldingham, being 37 days, as possessed by the churches of Holy Island and Norham; and gave the annual pension of half a mark of silver to the monks of Coldingham, from every plough in Coldinghamshire: to which tax the possessors of the lands voluntarily submitted, and engaged themselves to the king for payment thereof.* The founding of Coldingham by king Edgar, is confirmed by two ancient charters, made by one Thor, an eminent person in those days, who, for his stature, had the epithet of Longus, and is a witness, in the charter of Edgar, relative to this dedication. Thor's charters mention, that, with the aid of his prince king Edgar, he founded the church of Eadnaham, in honour of St Cuthbert; which church was always a member of the spirituality of Coldingham. The seals are curious. The prior of Coldingham was presented by the convent of Durham, and was admitted to his spiritualities by the archbishop of St Andrew's, and to the temporalities by the king of Scotland. This priory came to be one of the most extensive and richest benefices in the kingdom of Scotland.† Edgar also gave the town of Berwick to this See, with its appendages.

* Anderson's Dipl. pl. 6, 7.

† King William Rufus causid king Edgar of Scotland to give Coldyngham, that was one of his chiefest maners, to the College of S. Cuthbert of Duresme.—Scala Chron. v. ii

Edgar's 1st charter grants, "Mansionem de Coldingham & cum ista mansione has subscriptas mansiones, scilicet, Alcambus, Lummesdene, Regnintun, Ristun, Swinewoode, Farndun, Eitun aliam Eitun Prenegest, Crammesmunde. Cum omnibus terris Silvis et Agnis et Teloneis & fracturis navium," &c &c

2d Charter. "Coldingham et omnes illas terras quas habent in Lodoneo."

3d Charter. "Fiswic tam in terris quam in aquis et cum omnibus sibi adjacentibus et nominatim illam terram que jacet inter Horverdene et Cnapadene.

4th Charter. At the dedicatione of Coldingham church, "don. villam totam Swintun, cum divisis sicut Liolf habuit. *viginti quatuor animalia ad restaurandam illam eandem terram.* Et constitui eandem pacem in Coldingham, eundo & redeundo ut ibidem manendo que servatur in Ealande, &c. Insuper etiam statui hominibus in Coldingham-scire sicut ipsi elegerunt etin manu mea firmaverunt ut unoquoque anno *de unaquiq. carucata dimidiam Marcam argentii* monachis persolvant. Test. Alfw. Ocer et Thor longo, &c.

5th Charter. Paxtun ita sicut ego eam habui *cum hominibus terris et aquis.*—A perfect seal append.

6th Charter. Ex licentia Willelmi regis Anglie superioris domini regni Scotie.—Ded & con. Deo & Sancto Cuthberto confessori Willelmo episcopo Turgeto priorii & monachis baronium et manerium de Coldingham cum hiis mansionibus Berwic, Old Cambus, Lumesden, Reston, Faudon, Ayton aliam Ayton Prendergest, Cramesmouth, Graiden, Lemhale, Dilchestre, Ederham, Chirnside, Hilton, Blaketir, Hoton, Raynto,

Our bishop did not live to see much of his great design in the church executed; for having a second time fallen under the king's

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Paxton, Fulden, Morthington, Lambirton aliam Lambirton Edington, Horforo, Fishewic, et Upsetlington, cum omnibus pertinentiis Juribus et decimis Gabarum et Feni. In cujus, &c. apud Norham, &c.—A fine seal append.

7th Charter. "In nomine Patris, et Filii, et Spiritus Sancti, Amen. Notum sit omnibus Christi fidelibus presentibus et futuris quod ego Edgarus filius Malcolmi regis Scotorum totam terram de Londoneio et regnum Scotie dono Domini mei Willelmi Anglorum regis et paterna hereditate possidens consilio predicti Domini mei regis Willielmi et fidelium meorum pro animabus patris mei et matris mee, nec non et fratrum meorum Doncani et Edwardi, et pro salute corporis mei, et anime mee, et pro omnibus antecessoribus et successoribus meis, do Deo omnipotenti, et ecclesie Dunelmensi, et Sancto Cuthberto, glorioso pontifici, et Willelmo episcopo et monachis in eadem ectlesia, Deo servientibus, et imperpetuum servituris mansionem de Berewic, et cum ista mansione, has subscriptas mansiones, scilicet, Greidon, Lemhale, Dilsterhall, Birgham, Edrem, Chirnesid, Hilton, Blackedir, Chynbrygham, Hutton, Reggnington, Paxton, Fulden, Morthyngton, Lamberton aliam Lamberton, Hadryngton, Fichwik, Herford, Upsetinton, et mansionem de Collingam, et cum ista mansione, has subscriptas mansiones, scilicet, Aldcambus, Lumesden, Reston, Sumeston, Fanden, Ayton aliam Ayton Prendergest, Cramsmouth, Hadynton, has subscriptas mansiones, do Deo et Sancto Cuthberto, cum omnibus terris et silvis et aquis et thelonijs et fracturis navium, et cum omnibus consuetudinibus que pertinent ad predictas mansiones, et quas pater meus in eis habuit, quietas solidas secundum voluntatem Dunelmensis Episcopi, imperpetuum libere disponendas, Signam ⋈ Edgari, Regis, Signum ⋈ Alexandri, fratris ejus. S. ⋈ Menyam. S. ⋈ Agulfi. S. ⋈ filij Doncani. S. ⋈ Eylnerri. S. ⋈ filii Eghe. S. ⋈ Omani. S. ⋈ Edgari Uedeling. S. ⋈ Uhtredi. S. ⋈ Filii. Magdufe. S. ⋈ Constantini. S. ⋈ Rob. de Vinet. S. ⋈ Aetele. S. ⋈ Gulfi. S. ⋈ Alimodi Filii. S. ⋈ David.

HÆC carta firmata est quarto Calendearum Septembris in cinniterio Sancti Cuthberti apud Norham presente Willelmo Episcopo, et Turgato priore, et Auskrallo prepósito de Norham, et Ilgero de Corneford, Waltero de Walonis, et Galfridode Al-

displeasure, but for what offence is not mentioned, he was summoned to appear in person at court, and answer a charge which was drawn up against him. To this he sent excuses of sickness; upon which the king swore, by his usual oath, he did but counterfeit, and insisted on his attendance.* The bishop travelled, with much distress, to Windsor, where his disorder becoming more violent, he took to his bed on the 25th December, A. D. 1095, and departed this life on the 6th day of January following. Symeon, according to the humour of those times, recording a vision in which the prelate's death was predicted.†

The prior and monks would have granted him sepulture within the walls of their church, as he had been so great a benefactor thereto; but, with a religious modesty, he absolutely refused to infringe the ancient rule established there, in honour of the remains of St Cuthbert, that no one should be buried within the same edifice; and left his solemn and death-bed injunction to his monks, that he should be interred in the chapter-house at Durham: And accordingly he was laid on the north side of it, on the 16th day of the same month; all his successors lying in the

dreio, et Willelmo filio Alimodi, et Johanne de Amundivilla, et Rathone Lotheringo, et Gilberto et Wilfrido, et Alimodo filio Makodi, et Anulfo fratre suo, et presente maxima multitudine Fracorum et Anglorum quorum nomina longum est inscribere. Hoc autem factum est eo anno quo rex Willelmus filius magni regis Willelmi fecit novum Castellum ante Bebbanburgh super Robertum comitem Northumbrorum.

The king of England made his confirmatory charter thereof.

Thor's Charter.—Thor Longus in Domino salutem. Sci. quod Eadgarus dominus meus rex Scottorum dedit michi *Eadnaham desertam* quam ego suo auxilio et mea propria pecunia inhabitavi et ecclesiam in honorem S. Cuthberti fabricavi quam ecclesiam cum una carucata Terre Deo, &c. dedi, &c.

Monasterium de Coldingham in Scotia ditionis Dunelmensis.—Lel. Col. v. ii. p. 334. Lelandus.—Berwic in parochia de Coldingham, unde Dunelmensis eccl. habet rectoriam de Berwick.

* Collier, p. 273.

† Lel. Col. v. ii. p. 387.—Ang. Sac. p. 704.—Sym. Dun. p. 239, 245.

same place, until the year 1311. This prelate held the See of Durham fifteen years and two months.*

Notwithstanding what Symeon says of our bishop's protection of the rights of his church, Tynemouth, which earl Alberius confirmed to the See, was wrested from thence by earl Moubraie, and given to St Alban's, during his episcopacy.

This prelate's character was deformed by inconsistencies, which his virtues and excellent genius promised should not have escaped him. Wharton says, his mind was enriched with the noblest gifts of genius, erudition, eloquence, and wit; and, in the quickness of his parts through every department of his office, there was none superior to him. But this excellent picture is blotted by a charge† too well grounded; that, amidst all those valuable endowments of mind, he was destitute of integrity and fidelity, and had no bounds to his ambition; for though his gratitude should have held him fast to his sovereign, he forgot all his royal bounties, and joined with the rebel Odo, and his confederates.‡ He is also stigmatized with having abused the interest he obtained, by the basest means, in the heart of king William II. in spiriting up an unhappy dissension between the sovereign and Anselm archbishop of Canterbury, in which it was insisted, he should deny obedience to Pope Urban the Second, whose election to the Holy See the king would not admit to be legal, or resign his archiepiscopal office: both which being unsubmitted to, he advised the king to deprive him by force.§ Symeon's partiality must always be considered, when he says, he was happily accomplished for the episcopal office; he was an adept in ecclesiastical and secular learning, and assiduous in his duty. No one exceeded him in propriety of manners. His perception and judgment were so quick, that he instantly formed the justest determinations on events of the greatest moment. He graced the endowments of wisdom with the finest eloquence. He possessed a most retentive memory, and his whole character was so elevated as to claim the attention and favour, not only of his own sovereigns, but also of the king of France and the bishop of Rome. He was a man of strict sobriety and temperance, plain and moderate in his apparel, zealous in the catholic faith, and of singular chastity. Whilst he attended the courts of princes, he was always attentive to, and a strenuous maintainer of the rights and liberties of his monastery and church.‖

To those we must add truths unsullied by his errors; that he had a most munificent heart; his works of piety were truly great;

* Symeon p, 246—Ang. Sac. p. 704.

† Eadmer.—Malms. &c. ‡ Angl. Sac. p. 704. Ibid. ‖ Sym. n. p. 219

his charity unbounded, and his liberality towards his brethren most exalted. These cast a veil over the shades which are thrown into his political portrait, and leave his memory dear to his successors.

After the death of this bishop, the See continued vacant for near four years, during which period the king drew a revenue of £300. a-year from the coffers of the bishopric; whilst the prior and convent were suffered to enjoy their possessions uninterrupted.*

In the course of the fourth year from the death of the last bishop, A. D. 1099, the king appointed

RALPH, *surnamed* FLAMBARD,

or *Passe Flambere*, to this See as a reward for his secret and assiduous services. All authors agree, he was a person of mean birth;† and it is alledged, he procured his nomination for the price of £1000. He was first under the protection of Mauritius bishop of London, and was dean of the collegiate church of Twynham in Hants; but being disappointed in his hopes of obtaining the deanery of London, he got himself introduced at court, where he was soon appointed the king's chaplain. He was endowed with great subtilty of genius, ready wit, and eloquence, by which qualifications he insinuated himself into the good graces of his sovereign, to whom he became a very useful person, in devising the exactions and taxes which he extorted from his people; and, in the end, possessed the highest influence at court. Godwin charges him with much depravity of principles: *Honestatem exutilitate mutire.* He was surveyor of the king's homagers; then chief justiciary, which, by the writers of that time, is described as an office superior, in trust and dignity, to treasurer and chancellor; and at last he was appointed procurator-general; under which employments he conducted himself so oppressively, and with such injustice, that he incurred a general odium‡.

The iniquitous practice of seizing the temporalities of bishoprics, was first begun by this king, at Flambard's instigation, as Odericus Vitalis says. Before the Norman invasion, the custom in England was, that, upon the death of an abbot, the bishop of

* See vacant six months and ten days.—William de S. Karilepho, nominated by the king, 9th November 1080; consecrated 3d January —; ob. 2d June 1095.
Temporal Chancellors.—This bishop ordained, that, for ever thereafter, the prior of Durham should be archdeacon of the whole diocese, the bishop's vicar in spirituals, and chancellor *(vicedominus)* in temporals.—Aldwin.—Turgot.
Constable of the Castle.—Roger Coniers.—*Randalt's MSS.*

† *Ex infimo genere.*—Malmsb. f. 69.

‡ Chron. Sax. p. 233. n. 5.—Hoveden, p. 1. 468. n. 20.—Madox, p. 22.

the diocese took care of the revenues of such abbot; and, upon the death of a bishop, the archbishop took care of the revenues of such bishop, till the vacancy was filled again. But this custom William Rufus abolished, by the persuasion of our prelate; kept the archbishopric of Canterbury void three years, and put the money arising therefrom into his own coffers.

The continuator of Symeon's history gives us a long relation of the plot that was formed to take away the bishop's life, but proved abortive.*

Bishop Flambard was consecrated in St Paul's, London, by Thomas archbishop of York, on the 5th day of June, in the year 1099, the same continuator says, without any profession of submission to the archiepiscopal jurisdiction being exacted, which was submitted to by his predecessor: But this is denied by other writers. He had not enjoyed his episcopal function above fifteen months before the king came to his death in the New Forest, as he was hunting the stag, being shot through the heart with an arrow by Tyrrel, a French knight, who was much suspected of design. His character is comprehended in few words. Rapin says, he had all the vices of his father, without his virtues. He was neither religious, chaste, or temperate. He was profuse and profligate; and one instance of his irreligion given by Eadmer, may suffice. Fifty English gentlemen having safely passed the fiery ordeal, on an accusation of *hunting*, he swore by St Luke's face, his usual oath, that he could never believe God was a just judge, since he protected such offenders.

Malmsbury gives us a melancholy picture of the state of human life in this æra: The minds of men were froward, and inclined to quarrels and warfare: they were overwhelmed in excess and sensuality, from which even the clergy were not exempt. Vanity, lust, and intemperance, reigned every where. Eadmer says, the men appeared so effeminate in their dress and conversation, that they distinguished their sex in nothing but their daily attempts on female chastity. Even the king's servants, following him in his journies, used to harrass and plunder the country as their wickedness instigated; and many of them were so extravagant in their barbarity, that what they could not eat or drink in their quarters, they either obliged the people to carry to market, and sell for their emolument, or they threw it into the fire. At their departure, they frequently washed their horses' heels with the wine left undrunk, or wasted it on the ground.—As for outrages committed on the persons of the subjects, both men and women, they went to the utmost lengths of licentious-

* Continuation Sym. Dun. p. 249.—Ang. Sac. p. 705.

ness and cruelty. For these reasons the approach of the court was dreaded no less than an invasion; when they heard the king was coming, every body quitted their houses, and fled with their effects.*

Henry, the king's younger brother, succeeded to the throne. On his accession he promised to abrogate all oppressive laws made since the coming in of his father: to restore the government to the Saxon system; to abolish unjust and arbitrary taxes, and reinstate the clergy in their privileges. He was made king by the cry of the populace against the judgment of the nobles, who alone, to prevent the horrors of a civil war, Robert his eldest brother being absent, submitted to his being proclaimed. The first step he took in pursuance of his promise was to correct the enormities committed by his officers and servants, and to punish the most notorious with death. Our bishop, the detested minister of the late king, was, by the advice of the great council of the kingdom,† on the 14th September A. D. 1100, committed close prisoner to the tower of London.

Those acts were succeeded by the king's abolishing the curfew or couvre-feu,‡ and by charter confirming the privileges of the people as established by the Saxons, renouncing the royal prerogatives his father and brother had usurped. By this charter the liberties of the church were restored: The heirs of earls and barons were admitted to their estates without composition or redemption, on paying a relief; and vassals were entitled to the same privilege with their respective lords. He gave liberty to the nobles to marry without the royal licence, provided it was not to the enemies of the state. He appointed that mothers, and nearest relations, should be guardians to minors; and established a general standard for weights and measures. Coiners he ordered to be punished with loss of limb.

The bishop, about the fourth of February, A. D. 1101, effected his escape from prison, and fled into Normandy. The manner of his escape is related by Odericus Vitalis,§ who shortly gives his history to this effect: "That though of mean extraction, he "gained so far on his sovereign's good opinion, by aiding his "his wicked machinations, that he advanced him to the highest "offices of the crown, and, though an illiterate person, he gave "him the bishopric of Durham. After king William II.'s death, "he was committed prisoner to the tower of London, under the "custody of William de Magnaville; but, by the assistance of "his friends, he made his escape. By his facetious humour and

* Collier, p. 293. † M. Paris, p. 47. Sax. Ann. ‡ See page 123 of this work.
§ Hist. Eccl. p. 787.

"wit, he gained the confidence and esteem of those who had the "custody of his person. With the king's allowance of two shil- "lings a-day, he lived in a splendid and convivial manner with "those about him. One day having drank deeply, those who "attended him being full of wine, he fastened a rope to the pillar "in the centre of his window, and taking with him his pastoral "staff, he descended to his friends, who waited for him at the "foot of the tower, his hands, for want of gloves, being excoria- "ted to the bone by the passing of the cord. Horses being rea- "dy for him, he fled with all speed, with a few faithful followers. "His steward met him upon the road with his treasure; and, "immediately taking shipping, he arrived safe in Normandy, "where he met with a cordial reception from duke Robert, who "immediately put him in possession of the vacant bishopric of "Luxenburg, which he held for three years for his son Thomas, "then an infant." On the bishop's escape, the king seized the lands and revenues of his bishopric, whereupon he severed from thence the bishopric of Hexham, which he gave to Thomas archbishop of York, who, in the year 1114, introduced regular canons there. He also dismembered Carlisle and Tiviotdale from the See; the latter he gave to the See of Glasgow, and the former he erected into a new bishopric, constituting Etherwolf, prior of St Oswald's, the first bishop thereof.*

Geoffrey Escolland having the custody of the temporalities of the bishopric, rendered to the king an account of the ferm of the bishopric, the cornage of cattle, the dones of the knights, the tallages of the taines, the dreines and smalemans between Tyne and Tees (alias Teode, Tweed), and of other profits.† Several

* Contin. Sym. Dun.—Angl. Sacra.—Lel. Col. v. ii. p. 333, 378.

† Gaufridus Escollandus reddit compotum de quater xx*l.* lviij*s.* & 10*d.* *de remanente firmæ* episcopatus de tempore episcopi. Sed de istis habuit Willielmus de Ponteare xxx*l.* de quibus reddidit compotum quando comes Gloecestriæ et Brientius audierunt compotum de thesauro apud Wintoniam. Et de istis postea redidit Gaufridus in thesauro xx*s.*

Et *in restauratione maneriorum* episcopatus viij*l.* vij*s.* ix*d.* testimonio Joha. de Amundivilla & Cliberti et Unespac. Et debet xliiij*l.* x*s.* ix*d.*

Et eidem Gaufridus reddit compotum de xvi*l.* viij*s.* ix*d.* de *superplus agio animalium*, quod erat in quibusdam maneriis.

In *restauratione aliorum maneriorum* quæ vastra erant in episcopatu liboravit, testimonio Johannis de Emundivilla & Cliberti & Unespac. Et quietus est.

Et idem Gaufridus reddit compotum de veteri firma episcopatus Dunelmensis præteriti anni. In thesauro cccc*l* xx*s.* Et in liberationibus constitutis xij*l.* xv*s.* vij*d.*— Et in *corredio archiepiscopi Eboraci veniendo ad episcopatum & redeundo* xxiij*s.* ix*d.*

Et in liberationibus *Walteri Espec & Eustachii filii Johannis dum fuerant ad necessaria regis facienda in episcopatu*, xv*s.* vij*d.*

Et *in reparatione domorum*, x*s.* Et *in donis*, per breve regis, priori de St. Oswaldo, x*l.* Et *in perdonis*, per breve regis, tribus clericis de episcopatu, 4*s.* de iij ecclesiis quæ ad firmam pertinebant. Et quietus est.

curious particulars appear in this record. The corrody, or allowance of meat, drink, and clothing, due to the king, for the sustenance of his officers and servants on the affairs of the crown, was not only granted to the king's auditors attending to pass the treasury accompts and commissioner's, Walter Espee, and Eustace the son of John, but to the king of Scotland in passing to and from the English court, and the archbishop of York in going to and from the bishopric. The cornage is expressly men-

Et idem Gaufridus reddit compotum de cxl. vs. vd. *de cornagio animalium* episcopatus. In thesauro quater xxl. lxvijs. iid. Et debet xxvjl. xviijs. iijd.

Et idem Gaufridus reddit compotum *de nova firma* episcopatus. In thesauro cccxxxvjl. xs iiijd. Et in liberationibus constitutis viijl. xiijs. 1d. Et *in corredio regis Scotiæ redeundo de curia*, xxxiijs. Et *in corredio archiepiscopi Eboraci veniendo ad Episcopatum & redeundo*, xviijs. vijd. Et *in liberationibus* Walteri Espec et Eustacii filii Johannis, dum fuerunt *ad necessaria regis facienda in episcopatu*, xxijs. ixd. Et in præterito anno, *quando comes Gloecestriæ & Brientius filius comitis audierunt compotum de thesauro* iiijl. iiijs. sine talea, ad perficiendum plenum numerum. Et *in donis*, per breve regis, priori de Sancto Oswaldo, xiijl. vjs. viijd.

Et in liberatione *Willelmi de Ponteare*, quando venit *de Normannia & perrexit ad episcopatum Dunelmensem recipiendum*, xvl. xvs. de lxiij diebus.

Et *in perdonis*, per breve regis, tribus clericis de episcopatu, cs. de iij ecclesiis quæ ad firmam pertinebant. Et debit xljl. xiijs. viijd.

Et idem Gaufridus reddit compotum de cxl. vs. xd. *de cornagio animalium* episcopatus. In thesauro quater xxl. xxxvis. iijd. Et debet xxviijl. ixs. ijd. Et idem Gaufridus reddit compotum de lviijl. vis, viijd. *de donis militum* episcopatus. In thesauro xlvl. xvis. viijd. cum *militibus Lindisia*. Et debet xijl. xs. Et idem Gaufridus reddit compotum de xlvil. vs. ivd. de *tainis* et *dreinis* et *smalemannis* inter Tinam & Teodam. In thesauro xxxvil. Et debet xl. vs. iiijd. Alwoldus filius Alwoldi Child reddit compotum de x marcis argenti, *pro relevatione terræ* patris sui. In thesauro liberavit. Et quietus est.

Filii Alwini de Crawecroca reddunt compotum de xxs. *pro terra patris sui.* In thesauro liberavit. Et quietus est (ita in rotulo).

Ranulfus archidiaconis reddit compotum de xls, *pro placito hominum suorum.* In thesauro xxs. Et debet xxs.

Clibertus reddit compotum de cs. *po duello homines sui.* In thesauro xxxs. Et debet lxxs.

Gamel clericus de Achleia reddit compotum de ii marcis argenti *pro duello hominis sui.* In thesauro i marcam argenti, et debet i marcam argenti.

Hugo homo Walteri de Monasterio reddit compotum de i marca argenti, *pro placito sororis suæ.* In thesauro liberavit. Et quietus est.

Burgenses Dunelmi reddunt compotum de cs. de placitis Eustacii filii Johannis.—In thesauro xls. Et in perdonis per breve regis eisdem burgensibus, xls. *pro cumbustione domuum suarum.* Et quieti sunt.

Homines inter Tinam & Teisam debent v marcas argenti *pro forisfactura summarii.*

Anschetillus de Wirecestria reddit compotum de xl. *de veteri firma* maneriorum episcopatus Dunelmensis. In thesauro liberavit. Et quietus est. Et idem de *nova firma.* In thesauro, ccixl. xs.

Et *in corredio regis Scotiæ*, lxxs. viijd. Et in donis p' breve regis Bernardo Clerico xxs. in quadam ecclesia. Et in domibus Hovendena reparandis lxxs. Et in ii navibus emendis, xls. Et debet ixs. iiijd.

Et eidem debit xix marcas argenti, de *dreinnes et smalemannis* maneriorm quæ custodit. Et idem Anschetillus reddit compotum de xls. quos recepit de Olivero, de pecunia episcopi Dunelmensis. In thesauro liberavit, et quietus est. Mag. Rot. anni incerti Hen. primi. Rot. 13 dorso.—Madox's Baronia, p. 78.

tioned for the protection of the cattle: So it appears, on the approach of an enemy, on the sounding of a horn, the cattle of the country were driven into places of security; for which protection the cornage rent was levied. We therein see knights' fees, and those of the thanes, and men holding servile tenures, as drengages and smalemannis. Reliefs, fines for trespasses and assaults, and for toll of horses carrying goods. By the same record it appears the borough had suffered by fire, for which seventy shillings were remitted out of the fee of Eustace.

Whilst the bishop was in Normandy, he used his influence with the duke to promote an invasion of England, under an idea that the people, dissatisfied with Henry's usurping the sceptre, would rise to support his lawful right of inheritance to the crown. On the 19th of July 1101, the duke, attended by the bishop, and a powerful army, set out on that expedition; but, by an interposition of the nobles on both sides, and a considerable sum of money given by king Henry to discharge the expences of the duke's equipment, a peace was concluded; wherein, amongst other things, it was stipulated, that all those who had aided the duke, and appeared in his cause, should receive the king's pardon, and be restored to their honours and estates.

In consequence of this treaty, the bishop regained the See of Durham. After his restoration, he attempted, by rich gifts, and every interest he could use, to obtain the king's favour; to which purpose he laid an oppressive hand on his bishopric, and heavy exactions on the people, to purchase an interest with those about the king's person; but all his endeavours proved ineffectual.—Neither could he gain restitution of the severed members of his See; but, on the contrary, the king, when importuned on his behalf, in his wrath commanded, that the charters of confirmation of the rights and privileges of the church, granted by his father, should be rescinded and anulled. But this seems not to have been carried into execution; on the contrary, the king, in his charter stiled *De Shiris & Hundredis*, directed to Gerard, archbishop, and Ralph, bishop, &c. grants, that all the lands and men of St Cuthbert, and his monks, shall be acquitted and exempted from the service of shires and hundreds, courts leet, and wapentakes, aides of the sheriff and reve, or constable; and might have their courts as fully and effectually as they had the same in the time of the king's ancestors, with sac and soc, tol and theam, and all other rights and privileges: And therein specifies, that if of any thing (after the bishop's death), they shall be disseised,

he commands the same to be restored, and the offenders punished, as breakers of the king's peace.*

The king also, by another charter, specified to be made in the great council, granted to the bishop, Burdon, Carleton, and Acliff, which the people of Northumberland had falsely claimed against the bishop and St Cuthbert: And also sets forth, that the Northumbrians, French, and English, had also falsely claimed a right of hunting in St Cuthbert's forests between Tyne and Tees; and, for the acknowledgment of one penny, to have yearly as much fuel-wood, from the same forests, as one cart could carry; and also, for the consideration of one piece of silver, they should have the largest tree in the woods for ship-building; and also falsely claimed the privilege of the navigation of the river Tyne: All which usurped customs, and false claims, the bishop protested against before the king and his barons.† It appears that Guy Baliol, who was baron of Bywell, was one of those who falsely claimed the right of hunting in the bishop's forests, and was prohibited by the royal grant.

Soon after the bishop came to the See, he made a grant to his

* *Carta regis Henrici de Shiris & Hundredis.*
E Cartuar. 1. Eccl. Dun. p. 47.

Hen. rex, A. Gerardo aepo & Ranulph epo, &c. Præcipio quod tota terra & hoi'es S. Cuthb'ti & monachor. ejus sint quieti *de shir. & hundred. & tridis (per tridinges) & wapentaches & auxiliis vice com. et præpositor.* & plenar. habeant curia. suam sicut habuerunt tep'ibus antecessor. meor. &c cu. *sacca & socca & toll & taem*, &c. et si de ulla re p. morte. Ranulphi epi sunt dissaisiti p'cipio ut sine mora sint resaisiti, &c. &c——Circa ann. 1108.

† Hen. I. A. D. 1109. By his charter, *fact. in concilio totius Anglia*, grants to the bp. "Burdune, Carlentune et Heacliff quas homines Northumbrenses de comitatu "esse dicentes super Sanctum Cuthbertum et Ranulfum epum calumpniabantur."—And therein sets forth, "Quod preter hæc calumpniabantur Northumbrenses Franci "& Angli per cursum ad venand. in silvis S. Cuthberti inter Teisam & Tinam. Et "pro uno denar. licere sibi habere lignam in silvis Sancti Cuthberti pred. quantum "uno curru vehe potest per annum. Calumpniabantur etiam pro uno numo, debere "habere quam majorem eligerent arborem in eisdem silvis ad navem faciendam. Si- "militer etiam calumpniabantur consuetudines in aquis Sancti Cuthberti de Tyne. "Quas omnes consuetudines et earum calumpnias diraconavit adversos illos Ranulfus "epus in mea et baronum meorum presentia," &c.——This extract, made by Mr T. Hugall, is not so complete as the author wished; but he was not permitted to have recourse to the record.

Guido de Baleol in Dirhamshir tempore Henrici primi prohibitus nefugeret in forestis Ranulphi episcopi Dunelmen.

Hen. rex, Liulfo & Alurico vicec. salutem. Præcipio ut rectitudinem faciatis Ranulfo episcopo Dudelmen. de terra de Ros, quam Robertus de Muschampis præoccupatus est super eccl. S. Cuthberti, &c. teste Ranulfo cancellar.

Henricus primus scripsit Osberno vicec. de Evirwickshir, ut rederit Robertus Fossardus consuetudines Ranulfo episcopo pro terris in Hoveden. Teste Richardo de Redueris, Richardo de Bondavilla & Rogere de Cosners apud Windesore, Asketillo de Bolmer.

Rex Hen. I. concessit *singulis diebus dominicis in Nortuna* Ranulfo episcopo Dunelmen. Teste Roberto de Bruys apud Ebor. E Carta Hen. I.—Lel. Col. v. ii. p. 389.

nephew Richard, and his heirs, to hold in fee, by homage, and the service of half a knight's fee, (in lieu of all others, except foreign service), of Ravensworth, Blakiston, and Helton, now called Eighton, by metes and bounds therein set forth;* of which grant K. Hen. I. gave his royal confirmation by charter under seal. Roger bishop of Sarum, who was elected to that See 13th April 1102, and lived to 1139, is a witness thereto; which induces a belief, that both these instruments were made after the bishop of Durham's restoration.

About the year 1118, the bishop granted to the prior and monks of Durham, the hermitage of Finchale, which he had given to brother Godric the hermit there, to hold of them for his life.†

From the time of his restoration, the bishop remained in quiet possession of his bishopric: and with great assiduity, applied himself, in various works, to add to its power and magnificence.—Notwithstanding he was in possession of Berwick, by virtue of the grant of Edgar king of Scotland, yet, for the better protection of the most northern parts of his territories, and especially to command the ford anciently called Ubbanford, where the Scots made frequent inroads, he built the strong castle of Norham. This fortress was erected on a bold promontory on the banks of Tweed, and, by its present remains, appears to have been a great work, though perhaps little of bishop Flambard's erection is now existing, the castle having received so many shocks, both by warfare and time, and also repeated additions and repairs. It consists of a lofty donjon tower of great height, a double ballium, guarded by machicolated gates; the wall of the outward ballium garnished with bastions and turrets, and defended on the land side by an outward ditch.‡ It appears that this castle was erected in 1121.

* Vide Ravensworth, v. ii. † Vide Finchale, v. ii.

‡ Camden describes Norham castle, in his time, "to be situate on the top of a high "steep rock, and fortified with a trench: The outward wall of great circuit, was guarded "by several turrets, in a canton towards the river, in which another wall, much "stronger, encircled the keep, or tower, of great height." This description gives a perfect idea of its figure, after the repairs made by bishop Tunstall. Towards the river, the ruins now hang upon the very verge of the precipice, part of which, by the washing of the Tweed, has given way, and carried with it the superstructure on that side; which, with the decay incident to the length of time, has occasioned a wide breach in the outward wall, spoken of by Camden. The turrets, as he is pleased to stile them, appear to be no other than demi-bastions, a mode of fortification much practised in England in early times; a perfect model of which, still in good preservation, appears at Hartlepoole in the county of Durham, of the time of the Edwards, being the palatine port of the bishopric.

The wall of the castle of Norham, which extended from the water, on the south side, was guarded with a gateway and tower, having square turrets on each side, thence as-

In the year 1112, this bishop founded the hospital of Kepier, in the neighbourhood of Durham, which he dedicated to St Egidious or Giles. For the maintenance of a priest serving there, and for the poor therein to be maintained, he endowed the same with the vill of Caldecotes, a mill at Milburn, and two sheafs from his demesnes in the vills of Newbottle, Houghton, Weremouth, Ryhop, Easington, Sedgefield, Shirburn, Quarrington, Newton, Chester, Washington, Boldon, Cleadon, Whickham, and Ryton.

Robert, a captain of king Edgar, who had fought gallantly at the head of his army, when he entered his realm, had presumed to erect a fortress near to the lands of the See, Fordun says in Lodonia; but that is an indefinite expression, and gives no direction to its real situation. It was certainly placed in such ground as to induce the bishop to believe it threatened the safety of his territories; and therefore whilst Edgar was at the English court, the bishop attacked Robert's habitation, and took him prisoner. On Edgar's remonstrance, he was afterwards set at liberty; but the Scottish king immediately beset Berwick, and again annexed it, with its appendages, to his crown.

On Edgar's death, Alexander the First mounted the throne of

cending the steeps, stretching eastward, was also defended by another gateway of superior dimensions, fortified by two heavy round flanking towers, the remains of which are still considerable. This was the chief entrance, and fronts a plain of considerable extent. It was defended by a draw-bridge over a very wide moat, which began here, and was extended round the land-side of the castle, enclosing a spacious area or ballium, with a very strong wall, garnished with demi-bastions at intervals. Within the area of this outward wall are the remains of a chapel, and several other structures.—To defend the keep, or main tower, a strong wall encloses a narrow area, or ballium which is entered by a gateway, guarded on each hand by square towers. The keep is a large heavy square building, vaulted underneath, like most structures of this kind. Part of the vaults, and some of the prisons, remain entire; but all the interior parts of the tower, upward, are laid open, and demolished. The remains of an exploratory turret are seen on one corner of the keep. It may be presumed it was originally uniform, bearing a turret at each corner. The height of the great tower is about 70 feet, containing four stories, or ranges of apartments. The whole building is constructed of red free-stone, of a soft nature, and subject to decay. There is not the least ornament about it, and the whole aspect is gloomy to the greatest degree. It wears the countenance of the times of king Henry, without any embellishments of the age in which bishop Tunstal lived.

It was a formidable fortress, inaccessible from the Tweed; and, before the use of fire arms, from its present remains, appears impregnable, if fully garrisoned and duly provided with stores before a siege. When the outward walls were in repair, and filled with troops, the oilets, and other devices for the garrison's fighting and defence, were properly supplied with experienced archers, and the bastions kept by men of valour, it seems almost incredible that this place could ever be taken by assault.—View of Northumberland, v. ii. p. 39.

Since the above work was published, much of the outworks have been pulled down. In the center of a thick wall, the skeleton of a man was found entire, in a recumbent posture.

Scotland. This monarch granted and confirmed to St Cuthbert, and his monks, all their possessions in Scotland which they held in the time of Edgar. In his general grant, he makes particular mention of the lands between Horndean and Knapdean. He also renewed, by a special charter, the gift of the lands of Swinton; and forbids the prior and monks of Durham to answer in any plea relative to those lands, unless in his presence, or by his command.*

King Alexander dying in the year 1124, was succeeded by his brother David. This prince attended the court of king Henry in the year 1126, on that sovereign's summons, for the recognition of the empress Matilda as his successor. The bishop and prior of Durham were king David's escorts, and were at Roxburgh with him in the month of July.

The bishop was particularly solicitous about the works begun by his predecessor, and carried up the walls of the church to the roof. He added to the sacred ornaments divers rich robes and vestments for the holy offices. He enlarged the common-hall of the monastery. The borough of a strong natural situation, he rendered nobler, and more defensible, by a wall, which he erected from the church to the castle. The ground between the castle and church, which was crouded with houses, he caused to be cleared of all buildings, and reduced into a level plain, for greater cleanness, and to prevent the hazard of fire. He fortified the castle with a moat, and strengthened the banks of the river, over which he built an arched bridge of stone, at the foot of the castle, now called Framwellgate bridge.†

About a month preceding his death, he was seized with a lingering disease, which threatening to be mortal, he commanded his attendants to carry him into the church, where, resting on the altar, surrounded by his clergy, and a multitude of the people of his palatinate, he publicly lamented the injuries he had done to his church; particularly the infringements he had made on the ancient liberties, and the lands and customs which he had with-held. Turgot the prior, before mentioned, had been consecrated bishop of St Andrew's in Scotland about the year 1108, and Aldjar elected in his stead. The prior, with the whole convent surrounding the altar, received the bishop's public restoration of the effects he had usurped, by the ceremony of offering a ring at the high altar; which restitution he confirmed by charter under his hand and seal,‡ expressing the liberties, rights, and pri-

* Smith's Appendix to Bede, No. 20.

† Lel. Col. v. ii. p. 388.—Sym. Contin. p. 256.

‡ Ranulfus, &c. Sciatis me reddidisse domino meo Sancto Cuthberto & monachis ejus omnia quæ ei abstuleram, post quam episcopatum accepi, scilicet, *oblationes*

vileges, appurtenant to their church; and all lands and other matters which he had, during his episcopacy, withdrawn from them, viz. oblations, altar offerings, and mortuaries: lands beyond the bridge of Durham, Staindrop, and Staindropshire, with their appendages; Blakiston, a carucate of land in Wolviston, Burdon, with its customs; and the church of Siggeston. He also granted to the convent, that in all things they should have a free disposal of their estates and effects, both within and without the church, for ever, notwithstanding any act which he had done. By his last testament, he ordered all debts due to him to be remitted, and his money to be given to the poor: But the king compelled the payment of all money due to the bishop, at the time of his death, into his exchequer or treasury.

After those several acts, by which the prelate hoped to obliterate from the memory of the world the evil of his early life, and to expiate with Heaven by his works of charity and munificence, he departed this life in the year 1128,* having held the See twenty-nine years, three months, and seven days.†

On his decease, the temporalities of the bishopric were committed to the custody of two barons, John de Amaundeville, and Geofrey d'Escoland, the elder, for the king's use.

The character of this prelate, in the course of the narrative, has been noticed; but it may be agreeable to the reader to add what Lord Lyttleton says of him in his History of Hen. II. v. i. p. 61. "Ralph Flambard, a Norman, from the dregs of the people, "had been advanced by Wil. I. to be one of his vassals. He be-

altaris & sepulturam cimeterii, et terram ultra pontem Dunelm. & Staindropam cum suis appendiciis, et Blakistunam & in Volvestuna unam carucatam terræ & *Burdone* cum solitis consuetudinibus & *ecclesiam de Siggestun*, &c. &c. super altare p' unum annulum spontanea voluntate reddidi, &c.—*Ex Copia pen. Geo. Grey, arm. Newcastle. Randall's MSS.*

Ranulphus, &c. Quod ego eand. libertatem eccl'iæ Beatæ Mariæ & Sancti Cuthberti & monachis in ead. eccl'ia et fratres in eadem comorantes *habuerant ea die, qua ad epatum Dunelmensem Dei gratia non meis meritis consecratus sum tam in eccl'iis, quam in villis, et in terris, et in silvis, et in aquis & in o'ibus aliis rebus,* quibus p'd'ci fratres ead. die saisiti et investiti erant. &c. sup' altare Sci Cuthberti p' an'ulum reddidisse, &c.———*Ex copia pen. eund. G. Grey.—Randal's MSS.*

* Symeon, p. 260—Angl. Sacra.

† See vacant three years and four months.—Ranulph Flambard, nominated by the king 29th May, A. D. 1099; consecrated 5th June. Ob. 5th September 1128.

Officers of the See during Bishop Flambard's *time:*

High Sheriff,—Philip fil. Haimonis.

Temporal Chancellor,—Upon Turgot's promotion to the See of St Andrew's, the bishop having a mind to lessen the privileges of the prior and convent, bestowed the offices of archdeacon, vicar in spiritualities, and temporal chancellor, on three several persons, contrary to the ordonance of his predecessor.

Constable of the Castle,—Roger Coniers.

Roger, son of Roger lord of Sockburn.

Randal's MSS.

"came such a favourite with king William Rufus, that he was "set at the head of his administration, and, to the great scandal "of the English church, made bishop of Durham. The merit "that recommended him to these great promotions, was a for- "ward and enterprizing spirit, an eloquent tongue, a taste for "those pleasures his master loved, but, above all, a very fertile "invention of ways and means for the raising of money, with a "remorseless insensibility to the complaints of the people, and a "daring contempt of the resentments of the nobles. He had "scarce any learning, and not so much as an external shew of "religion: but a more agreeable wit, a more skilful courtier, a "more subtle lawyer, a more magnificent prelate, was not in the "kingdom. Under the power of this man, the commons of Eng- "land, instead of being relieved from their grievances, agreea- "ble to the promises made by the king, were harrassed with "more exactions than they had borne, even under the ministry "the bishop of Bayeux." Many times when the king gave or- ders for levying a certain sum of money amongst his subjects, he would exact double the sum; with which the king being pleased, would merrily laugh and say, "that Ranulph was the only man "for his turn, for he cared not whom his actions displeased, if "he could but please his master."*

In a manuscript in the dean and chapter's library, intituled, The Origin and Succession of the Bishops of Durham, dated 1603, said to be compiled by Mr T. Hall of Conset in the county of Durham, from original records in that library, it is said, the remains of St Cuthbert were inspected during bishop Flambard's episcopacy. These are the author's words: "In this bi- "shopp's time, anno 1104, being the fifth year of K. Henry I. "after the decease of the holy St Cuthbert 418 yeares, upon oc- "casion of the incredulity of certaine prelates, doubting that the "corpes of St Cuthbert could not, by so many yeares, continue "uncorrupted; others affirming and avouching the incorruption "thereof: At what time also the new church, founded by bi- "shoppe William, being almost finished, and the said holie "corpes was to be transferred into the same, the holie sepulchree "was, by certaine selected and reverend monks of Durham, a- "bout ten in number, opened, and the holie body, with all "things about the same, found whole, sound, uncorrupted, and "flexible; all parts thereof with natural weight, and full sub- "stance of flesh and bloode and bones; from whence proceeded "a most heavenly fragrant smell; which blessed body was brought "forth, and diligently searched and tryed to be uncorrupted and

* Randal's MSS.

"whole as aforesaid, in the presence and view of certaine noble-
"men and others, both of the clergy and laity, to the number of
"forty persons and above, such as were thought most worthy
"and fit to be eye-witnesses of so rare and reverend a spectacle.
"The holie corpes was also, immediately after the searching
"thereof, with sundry other holie reliques found therewith,
"brought forth in procession with great solemnity, before all
"the assembly of people, and carried round about the said new
"church, and there reverently placed within the same, in a
"goodly sepulchree, prepared for that purpose. This was done
"upon the fourth of September 1104. The solemn feast of this
"translation, yearly celebrated upon the same day."* In *Gul. Meld. de gestis Pontif.* l. 3, are these additional particulars: That his vestment shone with a degree of splendor; there was a rich chalice upon his breast, the upper part of which was gold, the foot of onyx; a gentle sweat stood on his face, and between his arms the head of Oswald was rested.†

After the death of bishop Flambard the See continued vacant for near five years; during which time the monks finished their church at Durham.

The temporalities of the See were in the custody of the two before-mentioned barons, during the time it was vacant: In the year 1133, the king appointed his chancellor

GALFRID, surnamed RUFUS,

to this bishopric, who was consecrated by archbishop Thurstan at York, on the 6th day of August, and he came to his castle at Durham on the tenth.‡

After the bishop had possessed the See upwards of two years, the king departed this life, whose character was blended with a variety of passions. Of his avarice the palatine of Durham had experience: He made virtuous professions at his coronation, but the sweets of ecclesiastical revenues were irresistible. His other propensities did not reach these northern parts, and therefore are passed over in silence. Notwithstanding his great attention to a settlement of the succession of the crown, yet Stephen earl of Bologne, his nephew, supported by the influence of the bishop of Winchester, although he had taken an oath of submission to Matilda, the king's daughter, aspired to the crown, and, on the 26th day of December 1135, twenty-four days after king Henry's death, was proclaimed king of England. In his coronation oath he swore to fill the vacant bishoprics without delay, and leave the

* Mr Allan has printed a few copies of this tract for his friends.
† Let. Col. v. iii. ‡ Ibid.

temporalities to the hands of ecclesiastics, and that he would abolish the tax of dane-gelt.*

David king of Scotland received the news of Stephen's accession with the greatest indignation. He had taken an oath on the behalf of the empress Matilda his niece, and was determined to support her rights. He levied an army with all possible expedition, aud, entering Northumberland, possessed himself of the castles of Wark, Alnwick, and Norham. He lay before Bambrough for some time, but was not able to reduce it: Therefore, raising the siege, he proceeded to Newcastle, which was surrendered to him. His further progress was stayed by king Stephen's approach, who by hasty marches, in the beginning of February 1136, reached Durham before it was assailed by the Scottish army. King David had his head-quarters at Newcastle; and whilst the two sovereigns lay within this short distance, peace was concluded between them. By the treaty, David agreed to give up the fortresses he had reduced in Northumberland, on having ceded to him Carlisle and Doncaster.† Lord Lyttleton,‡ from Huntingdon's account, speaks of Carlisle; but the local and cotemporary authors above referred to are most to be credited. Those places were to be added to the earldom of Huntingdon, which was resigned by the king of Scotland to his son Henry, and was then ratified. King David then made a claim, in favour of his son, of the earldom of Northumberland, whose title he deduced from his own marriage with Maud, the eldest daughter of Waltheof, earl of Northumberland, by Judith, the Conqueror's niece. But the earldom being proved not to pass by inheritance, but by royal gift, king Stephen then only engaged, that if he should thereafter determine to dispose of the earldom to any person, he would cause prince Henry's claim, in right of his mother, to be fairly heard before his judges. This evasive answer did not satisfy the king of Scotland, who, about Easter in the following year, whilst Stephen was absent on his continental affairs, assembled his army, determining to possess himself of Northumberland. Odericus Vitalis says, a plot was in agitation for massacreing all the Normans in England, and to deliver the sceptre to king David, who was the nearest in blood of the Saxon line. But this strange story is not supported by any other author,§ On information of the motion of the Scottish army, the northern earls assembled the forces of their several districts, and made Newcastle the place of general rendezvous.

* Sym. Contin. p. 261.—Ang. Sac. p. 709. † John and Rich. of Hexham.
‡ Ld. Lyttleton's Hist. of Hen. II. v. i. p. 506. § Odericus Vitalis, l. xiii. p. 912.—Lyttleton's Hist. Hen. II. v. i. p. 507.

Thurstan archbishop of York had a conference with the king of Scotland and prince Henry at Roxburgh, and made a truce with them for a suspension of hostilities till king Stephen's return. On his arrival, in the month of December following, king David sent ambassadors to the English court, demanding the surrender of Northumberland, which king Stephen peremptorily denied; on which hostilities immediately commenced.

So soon again was this unhappy country exposed to the miseries of war. Such excess of cruelty and depredation were the reciprocal practices of the belligerent powers as disgrace humanity; and are not exceeded by the most barbarous and uncultivated savages yet discovered.

The Scottish king made no delay in marching his troops to the borders. The siege of Wark was his first object; from whence he led his forces into the heart of Northumberland. A great part of this army consisted of raw and undisciplined men, a mixed multitude, of barbarous and uncivilized manners, who ravaged and desolated the whole country with the fiercest cruelty, as far as the Tyne. Richard Hagustal, c. 316, says, This infamous army was made up of Normans, Germans, English, Northumbrians and Cumbrians, men of Tiviotdale and Lodonea, of Picts, vulgarly called Norwegians, and Scots. To oppose the invaders king Stephen led forth a powerful armament of horse and foot, and reached Wark about Candlemas 1138. The Scots army on his approach retreated from Northumberland, studiously evading an action; and at the same time attempting to delude the king of England to Roxburgh, and lead him into a snare.—But information being had of the project, Stephen eluded the design; and, having spoiled the eastern borders, returned to England, in his way taking Bambrough out of the hands of Eustace Fitz-John, whose fidelity he suspected. It is said,* the king's speedy return was occasioned by the jealousy he entertained of the fidelity of some of his barons, and that many of his soldiers refused to bear arms in Lent. But a more probable cause was the great scarcity of provisions. The retreat of the English army gave immediate opportunity to the Scots to renew their enterprizes, and they accordingly laid waste the eastern part of Northumberland, which before escaped the fury of the sword.—They also proceeded into the eastern part of the county of Durham, and there committed the like depredations and acts of cruelty.† The king of Scotland was advanced to the environs of the city of Durham, when a sedition arising among his troops,

* Rich. Hag. p. 317. † Lyttl. Hist. Hen. II. p. 187.—John Hag.—Cont. Sym. Dun. c. 261,—Rich. Hag. p. 317,—&c.

and alarms being propagated of the approach of the English forces, the army retreated, and, in their way, laid siege to the castle of Norham, in which were only nine knights with their retainers, who, in such extensive works, were not able to sustain a long siege; and, being unrelieved by the bishop, surrendered on terms of life and liberty, and returned to Durham. The Scottish king, possessed of this valuable fortress, the key of that part of the episcopal territory, proposed, in terms to the bishop of Durham, that he should renounce his allegiance to Stephen, and swear fealty to the empress, on which condition he would re-instate him in the possession of the castle of Norham, the damages the works had sustained in the siege being first repaired. But the bishop refusing to comply with these proposals, the town of Norham was reduced to ashes, the fortress dismantled, and the outworks demolished. The Scottish king, restless in his avowed purpose, about the time of harvest, made his progress into Yorkshire. He left troops to blockade Wark Castle, destroyed the corn and produce of the country in his rout through the neighbourhood of Bambrough; and when he entered the county of Durham, he was joined by a large reinforcement from Galloway, Cumberland, and Carlisle, by which his army was augmented to near the number of 26,000. He was opposed near Northallerton by a much inferior body of men, led by Thurstan, the venerable archbishop, then far advanced in years, with the nobles and chief men of the province; and the Scottish army was totally routed with great slaughter. The king and his son, by a hasty flight, escaped to Carlisle,* not without much hazard to the prince, who was hard pressed by his pursuers. The remains of David's army, in their flight homewards, were every where cut down by the enraged inhabitants, in revenge of the horrid barbarities they committed in their late inroads. Besides these calamities, the mixed tribes of people which formed the routed army, and had only one great object in view, plunder and rapine, under their ill success, quarrelled, and much bloodshed ensued.

No greater evidence need be brought of the savage practices in the warfare of those days, than appears in the injunction Alberic bishop of Ostia, the legate of pope Innocent II. laid on K. David and his people: "That all the women captives, taken in "the late incursions, should be set at liberty: That, in future "expeditions, they should refrain from the violation of churches, "and spare from the sword, women, infants, and persons in old "age." Dreadful ideas succeed to these reviews: How dis-

* Lel. Col.

graceful to the age, that these injunctions should be necessary among Christians!

It appears that the blockade of Wark Castle was still continued, until its surrender was consented to by Walter D'Espec, lord thereof; who, desirous of preserving so gallant a garrison, directed that his people should capitulate on any terms the enemy would grant. On the surrender, the fortress was destroyed.

What is before mentioned of the legate, was but a small part of the good works he effected; for, by his intermediation, a peace was concluded between the nations, in which it was stipulated, that the earldom of Northumberland should be immediately granted to prince Henry, the king of England retaining the fortresses of Bambrough and Newcastle. The laws and customs of Northumberland were agreed not to be changed, but to remain in full force; and the prince, in right of his earldom, was to have no authority or jurisdiction over the palatinate of Durham, and the lands of St Cuthbert, or Hexhamshire. The city of Durham, in the month of April 1139, was honoured with the presence of the members in this convention, when the articles of peace were agitated and agreed upon. Maud, Queen of England, with many southern barons, on the part of the crown of England; and prince Henry, with several Scottish barons, on the behalf of David. From thence the queen of England and prince of Scotland repaired to Stephen at Nottinghham, where the treaty was ratified.*

A degree of power, not noticed before in the history of this See, appears to have taken place during Galfrid's episcopacy.—The ingenious and Reverend Mr Mark Noble, who lately published two dissertations on the episcopal coins of Durham, says, "When Stephen usurped the crown, he was obliged to indulge "his encroaching subjects with many parts of his prerogative, to "prevent their revolting; the principal of which was, that of "coining their own money; a privilege at once disgraceful to "himself, and injurious to his kingdom."†

"The bishops of Durham, neither before the Norman con-"quest, nor afterwards, until the reign of K. Stephen, had any "mint; nor does it appear that any money whatever was coined

* Lel. Col. v. iii.

† Stow, from Roger de Hoveden, a cotemporary author, p. 147.

‡ Durham does not appear as a place of coinage, upon any of the Anglo-Saxon money, in Sir Andrew Fountaine's plates; upon the pennies of K. Canute, lately discovered and published by Mr Gough; upon any of the sovereign type of K. Edward the Confessor, those of K. Harold II.; nor upon the canopy pennies of K. William the Conqueror, found near St Mary-Hill church in London, and given in the 4th volume of the Archæologia, communicated by the Rev. Dr Griffith; nor in Mr Snelling's View of the Silver Coinage of England untill the reign of K. Henry III.

"in this city till that period.‡ It may therefore be concluded, "that the episcopal mint at Durham had its commencement in "the reign of that king, but whether by grant or usurpation, is "not certain; but probably the former, as the then bishop, a "person of great consequence in the state, espoused Stephen's "cause, and rendered him many important services,* for which "he might receive of that king a grant for a mint: And this, it "is presumed, was the fact; for, after his death, when this See "was vacant, Emericus archdeacon of Durham, and Philip de "Ulecote, the *custodes* of the bishopric, accounted to the king "for £18. 11*s. de proficuo cuneorum.*"†

Historians have not named our bishop in any active part during the troubles which happened in the time of his episcopacy; not even in the battle near Northallerton, called the Battle of the Standard; at which St Cuthbert's banner is not mentioned to have been displayed with those of St Peter, St John of Beverley, and St Wilfrid of Ripon. He seems to have occupied his time in spiritual works, and employed his money in edifices for the ornament and defence of his See. He built the present chapter-house for the convent at Durham; and departed this life in his castle there on the 6th day of May 1140, having possessed the See eight years. He was interred in the chapter-house. His peaceable temper was not more praise-worthy than his strict adrence to the reigning prince; by which means he secured the liberties of his palatinate.‡

In this prelate's time, Coken was given to the church of St Cuthbert by one Ællafus, a priest. In the year 1138, Algar the prior died, and Roger succeeded him.

* Galfrid had been chancellor of England in the reign of K. Henry I. He was consecrated Oct. 6. 1128; and, in 1139, he defeated David king of Scotland. He was appointed general by Thurstan archbishop of York, King Stephen's lieutenant in the north; the primate, by illness, being incapable of commanding the army.

N. B. It is to be wished Mr Noble had quoted his authority for this assertion. It is totally contradictory to several of out best historians. His name is not even mentioned at the Battle of the Standard.

† Madox Hist. Exchequer, quarto edition, vol. i. p. 303.

‡ *Guardians of the Bishopric during the Vacancy of the See:*
Hugh de Hamunda-Villa; Gaufrid Escoland; two barons of the bishopric:—*Leland.*

Officers of the See in the time of Bishop Galfrid.

Galfrid, alias Geofrey, surnamed Rufus, bishop; consecrated 6th August, 1133; ob. 6th May, 1140.

Constable of the Castle,—Roger Coniers.

Seneschal,—This was an office by patent. In the Saxon age he was called *Capitalis Senescallus Episcopi*, and, as such, held all the courts belonging to the lordships within the palatinate, and was allowed to take and enjoy all fees due and customary for the said office: And all the bishop's bailiffs and tenants were enjoined to aid and assist him in his office.—Henricus oc. 1129. v. Mon. Angl.—*Randal's MSS.*

The series of civil broils which succeeded the peace made with Scotland, though the southern parts of the kingdom were in the utmost distraction, do not appear to have affected Durham and Northumberland. Stephen had imprudence enough to irritate his people, to spread that desolation over the country which ever follows the cruel footsteps of civil war. The prelates, grown into an insufferable height of insolence, justly provoked his rage. But for him to defy the very power by which he ascended the throne; to oppose those who held in bondage the consciences of the people, and, from that influence, a popularity and power dangerous to combat, was an act of the highest imprudence.—The strong castles the prelates, as well as barons, had erected, and their attending on the court with a great train of armed followers, shewed the tremendous moment was not calculated for opposition. Had the king, with less intrepidity of mind, suffered the dangerous agitation which was then fermenting to subside, he might have corrected the insolence of his subjects at some more favourable season, and secured his authority without incurring those calamities his rashness produced. He was not endowed with a competent share of wisdom to manage the critical incidents of this crisis. The original error committed in the beginning of his reign, required much prudence to correct; for the castles he permitted his subjects to fortify, now became so many centres of rebellion and rapine, and places of refuge for criminals of all ranks. One consequence ensued from these struggles in the state, that David king of Scotland attempted to secure the bishopric of Durham for the cause of his niece the empress, which occasioned much distress and affliction in that territory, though it was not involved in the general calamities of the state.

At the time of the late bishop's last sickness, he had with him his chaplain, one William Cumin,* who was stiled the king of Scotland's chancellor. Perceiving the bishop's dissolution was approaching, he gained the confidence of those about his person, and particularly such as had the custody of the castle, who entered into a confederacy to deliver up the palace and tower to him immediately on the bishop's death. He concealed his project with the greatest assiduity from the prior and archdeacon, and made a journey to the court of Scotland, to consult his sovereign's pleasure, and obtain his assistance in gaining the bishopric. During his absence the bishop departed this life; and, in the night following his death, (it not being possible to keep the corpse otherwise), the bowels were drawn, and the body embalmed. In order that the prelate's exit might not be suspected

* Contin. Sym. Dun. p. 263.—Ang. Sac.

abroad, when the prior and archdeacon came to the castle, in their usual manner, to pay their visit, they were refused admittance. His death was kept secret until the Friday following, at the end of which time the clamour of the people being great, the rumour of the prelate's death having gone abroad, they prepared for his funeral, as if he was just dead, and he was interred on Sunday. On the Sunday following Cumin returned to the castle, armed with the powers of the king of Scotland, who favoured his project; and, by every influence he could exert, he induced the people to submit to his authority; Fordun expressly saying, he took possession of the castle by the command of the empress. He experienced no great difficulty in gaining over several of the most powerful of the barons; notwithstanding Robert Brus and Bernard Baliol had deserted the Scottish standard before the battle of Northallerton, on David's refusing to retire on the terms they proposed, in order to save the horrid carnage of the day, and fought under Stephen's banner. They were the first who appeared on behalf of the empress, whose nominee they esteemed Cumin, in order to protect the palatinate. They were joined by Eustace de Baliol and Hugh de Moreville. With every persuasion, argument, or threat, they could use, they endeavoured to influence the prior and archdeacon to elect Cumin to the bishopric; which they steadily refused, as being inconsistent and irregular. All efforts proving vain, it was proposed to consult the legate; and persons were appointed by Cumin's party, who were sworn to act impartially in this business. But the legate gave judgment against such intrusion, and pronounced an interdict against Cumin, if he should assume the episcopal function without a due election. Notwithstanding these oppositions, Cumin prepared to receive the pastoral staff and ring from the empress on the day of St John the Baptist; and he would have assumed the same accordingly, had not the troubles of the state obliged the empress, with the king of Scotland, and their partizans, previously to leave London. Robert, an archdeacon of Cumin's creation, with the barons of the bishopric, returned to Durham, bearing the empress's letters, directed to the chapter, requiring their nomination of Cumin. He was with the empress at Winchester, and a party in the miseries of her flight; so that it was near Michaelmas before he returned to Durham, where he found the king of Scotland, who had arrived a short time before him, entertained by the convent: He therefore immediately entered the castle. He found the prior and convent, together with the old archdeacon, still remaining inexorable to every argument. The king of Scotland therefore left Cumin in possession of the castle, as *custos* of the temporalities of the See for the empress;

the king pledging himself to the convent, that they should suffer no injury under the authority of Cumin. But Cumin, after the king's departure, not regarding himself as *custos*, but as possessing the authority of bishop, received the homage of all the barons, except Roger de Coniers, and made the burgesses of Durham swear their fealty to him. Not able to bend the determined resolution of the old archdeacon, he persecuted him with the utmost malice, and banished him the county. Without a place of refuge, he fled to York, and Cumin, with insatiable resentment, destroyed his possessions. Ranulf, through innumerable difficulties, at length approached the king's presence, and laid his injuries before the throne and the legate. Cumin was commanded to make restitution; but he despised all the anathemas and sentences which were pronounced against him. Insidious offers were then made to the prior by the abbot of Roxburgh, but proved unavailing. At length, a monk arrived at Durham, who was of the Cistersian order, and straitway was admitted into secret confidence by Cumin. He was soon sent abroad to accomplish a project they had concerted between them, and which afterwards came fully to light. A proper time being elapsed, the monk returned, bringing forged letters of the pope, with a counterfeit seal, resembling the apostolical seal, by which the holy See expressed satisfaction at Cumin's election, and commanding Henry bishop of Winchester, the legate no further to molest him in his episcopal function. Cumin then sent him to David king of Scotland, with equally forged letters, wherein the pope expressed his approbation of the oath the king had taken to the empress Matilda, and that Cumin should hold the bishopric of Durham, by her appointment. It is in no ways surprising a scheme thus executed should deceive the king, who immediately caused the letters to be entered among the records of the kingdom. He presented the monk with a palfrey, and gave him other marks of his royal munificence, and then dismissed him. Richard abbot of Melros, suspicious of the fraud, and zealous for the honour of the holy See, to which these letters appeared to him truly derogatory, set about, with great circumspection, to discover the artifice; and and at length brought the monk to confess the whole device, to which he declared he was instigated by Cumin. Innumerable injuries were deviced against the convent by the usurper.—He had the custody of the city gates, so that he prevented all messages being sent or received by the monks. He frequently prohibited bringing in provisions, and stopped their servants. He had possession of the chapter-seal, and used it as his pleasure dictated. He built a strong castle at Northallerton, which he

gave to William his nephew, who espoused the niece of the earl of Albemarle.

In the third year after bishop Galfrid's decease, the messengers, sent to Rome by the prior and convent, returned with letters from the holy See, commanding them within forty days to elect their bishop; and if they could not do it in the church at Durham, on account of Cumin's usurpation, then that the ceremony should be performed in the archiepiscopal church of York, or in some other adjacent church. Cumin was not informed of this mandate: He beset the roads with troops, and issued orders that the people of the country should watch the motions of the brotherhood; and if any of them were found abroad, to bring them to him. Notwithstanding all his precautions, some of the convent escaped to York, and there, in the chapel of St Andrew, on the 14th day of March 1143, elected

WILLIAM DE ST. BARBARA,

dean of York, to the See of Durham.*

The bishop elect being absent at a council then held in London, was ignorant of the transaction; but was met on his return at Wintringham on Humber, by the prior, archdeacon, and others his electors, who informed him of the transaction, and, with great reluctance, he submitted to the dignity. At Easter following he was summoned to attend the legate, who examined the nature of his election, the authority on which it was grounded, together with the royal assent thereto, and then performed the ceremony of his consecration at Winchester on the 20th day of June 1143; from whence he returneed to York. Cumin had the audacity to send his letters, sealed with the chapter seal, not only to the assembly in which the bishop was elected, to forbid his election, but also to the legate, to prohibit his consecration; which being disregarded, he persecuted the members of the convent, and other clergy, with the utmost virulence. He turned his resentment against Roger Coniers, who persisted in denying his homage, and, afraid of violence, fortified himself at Bishopton, where he had his mansion. Cumin gaining intelligence of this procedure, sent thither a great force to dispossess him; but they failed in their enterprize. The bishop being invited to take possession of his diocese, many flocked to him at Bishopton, where he remained some days, and received the voluntary homage of those who came thither, treating all most graciously who resorted to him.† Roger Coniers, and the barons who had attached themselves to the bishop, with an armed force escorted

* Contin. Sym. Dun. p. 273.—Ang. Sac. p. 712. † Con n. Sym. Dun. p. 263.

the prelate to Durham, hoping Cumin would relent of his evil deeds, or might be reclaimed by those who were in the bishop's association: but they were totally mistaken; for Cumin absolutely refused to listen to any terms of accommodation; and sending forth an armed force, in an hostile manner, forbade their approaching the walls of the city. When the bishop's messengers informed him of those circumstances, he retired to the church of Egidius at the hospital of Kepyer, founded by bishop Flambard, a little way distant from the walls of the town, where he rested all night. In the morning, Cumin's men forced the gates of the church, and committed various outrages. It would be tedious to pursue all the circumstances of the narrative given by the continuator of Symeon's history, of the acts of violence committed by Cumin's people. The bishop made his retreat to Bishopton; and the usurper's troops were indulged to pursue every excess the wantonness of cruelty, or the avarice of plunder, instigated; so that to follow this author's fine simile, "like the "forest, over which the destroying locusts have passed, where "neither flower or verdure is spared, a dreary desolated solitude "marked the savage progress." Not content with acts of rapine and waste only, those amongst them most ingenious in wickedness devised horrid tortures for their miserable victims, superior in infernal invention to those practised in after ages in the island of Borneo; so that, in the very language of this author, "through-"out the city incessant groans were echoed, and death appeared "in a variety of horrid forms." The bishop about Michaelmas made a nearer approach to Durham, and took possession of a place of strength, erected for his security at Thornley. Whilst the bishop lay there, Eustace Fitz-John and Stephen de Menyll entered into a truce with Cumin, who engaged to cease from further acts of violence until after the octaves of the Epiphany.—Cumin certainly agreed to this truce in hopes of some concessions in his favour; disappointed of which, as soon as the time was almost elapsed, he renewed his former cruelties. He seized the person of Humphrey de Thorp in his own house, and carried him away from Durham; and a sum was required for his redemption. After Easter he sent a detachment of troops to ravage the lands of Bernard Baliol, who held a large district on the banks of Tees, now known by the name of Bernard Castle, with its extensive appendages, from whence they brought a rich booty, and some prisoners, which they put to the torture. A truce was made with Cumin, by the intercession of the archbishop of York and bishop of Carlisle, until a messenger could be sent to the holy See for instructions in what manner an accommoda-

tion could be effected; during which time Cumin was to hold possession of the castle, with one third of the revenue of the lands between Tyne and Tees; and every thing else within the bishopric was surrendered to the bishop.

New troubles arose, in which Hugh the son of Pinton, the bishop's sewer, was a party. The bishop had passed into Northumberland on his episcopal duty, and, returning to Jarrow, was beset by a number of insurgents led by Cumin's nephew; but, by the valour of those in the bishop's retinue, who gallantly defended the wall which surrounded the church, he was saved from being made a prisoner, which was then attempted. The bishop from this instance thinking himself insecure on the south of Tyne, retired privately to Lindisfarne. Hugh surrendered the castle of Thornley to Cumin's nephew, on agreement that he should marry his niece. The bishop had placed some hopes of succour in the earl of Northumberland, who had entered into a compact with him for putting him in possession of his bishopric; but Cumin found means to elude the terms of that agreement. Cumin's nephew, collecting all his adherents, began to fortify the tower of the church of Merrington, and to defend it with a vallum and outworks; but three of the bishop's barons, Roger Coniers, Geoffrey Escolland, and Bertram de Bulmer, immediately beset the place with the troops they could muster. Some of the people fled at the approach of this force, others betook themselves to the church, which they had surrounded with a vallum and ditch, and, standing upon the tower, annoyed those approaching with their arrows and javelins: But the assailants scaling the windows, whilst others set fire to the edifice, the whole party within were taken prisoners. Cumin's nephew was seized, on the first day he began this work, with a disorder which terminated in a delirium, in which he expired in great misery. The time of Cumin's truce with the earl of Northumberland being expired, he levied an army, with which he accompanied the bishop to Durham. Cumin's soldiers in the mean time reduced the hospital and church of St. Egidius to ashes, with the whole village belonging thereto; also part of the borough of Elvet, belonging to the convent, they burnt to the ground; and the earl's soldiers, following their footsteps, destroyed the remainder. The earl then proceeded to Thornley with his troops, where the castle was surrendered to him; but he refused to deliver it up to the bishop, and placed his own people in garrison therein, who began to make depredations in the lands they ought to have protected, and did much injury in the bishopric. The unhappy prelate finding no faith in the promises of men, in deep affliction for the

adversity which seemed to beset him on every hand, retired to Newcastle, whilst the earl marched back into his own country. These various accounts place the castle of Durham in the light of a very strong fortress, as none of the parties espousing the cause of the bishop attempted to assail it. The king of Scotland, soon after the bishop's arrival there, came to Newcastle to treat with Cumin for the surrender of the castle of Durham to him.—The parties met at Gateshead; but Cumin gave the king no hopes of his compliance; and, returning to Durham, began to treat with Roger Coniers for a compromise.

The bishop had little faith in such a treaty; but, being compelled by extreme necessity, he determined to return to Durham, where Roger Coniers held the city, and Cumin expected him to be received by the convent. But so it is Providence brings forth events, unforeseen by the most exalted wisdom of mankind:—When the bishop, accompanied by the archbishop of York, and bishop of Carlisle, entered the city of Durham, on the festival of St Luke, Cumin, in deep contrition of his offences, prostrated himself at the bishop's feet, and voluntarily delivered up the castle, together with the whole territories of the palatinate, without any provision being stipulated in his favour; and took an oath to make good the damages the See had suffered by his intrusion, as far as in his power lay. Thus, after a long exclusion from the See, to which he had been duly elected and consecrated, after innumerable injuries and sorrows, through the interposition of Providence, the bishop was received in peace to the possession of his bishopric; on which occasion the solemnities were performed with great rejoicing. Some authors have alledged, that, on Cumin's surrender, the bishop granted the honour and castle of Northallerton, with their appendages, to Richard his nephew.

The bishop was elected in the chapel of St Andrew, in York, on the 14th day of March 1143, and was consecrated at Winchester by the legate the 20th day of June following: He was excluded from possession one year and four months by Cumin's usurpation, and was not enthroned until the 18th of October 1144, after surrender of the castle, and lands of the palatinate, as as before related.*

The bishop had full exercise for that benevolence of soul for which he was remarkable, in restoring the ruined churches and public buildings of his bishopric, and alleviating the distresses his people suffered in the late civil broils.

The troubles which distracted the state do not seem to have reached this district after the bishop was settled in his See; so

* Lel. Col. v. ii. p. 333, 591.

so that his whole time was full of leisure to pursue the works of charity and munificence. He held the See nine years and five months; and, on the 14th day of November 1152, resigned his spirit to heaven, and was interred in the chapter-house. He is described as being a person of good stature, with venerable grey locks, remarkable for his hospitality and liberality to the poor, of exemplary manners, true piety, much wisdom, and great perspicuity of judgment. He was endowed with profound knowledge in the several branches of literature of that age, and graced it with persuasive eloquence. Ever intent on works of charity and the service of God, the divine countenance he is described to possess inspired every spectator with religious love and veneration. The more he was irritated, the greater moderation and excellence of manners he displayed. He gave no disturbance to the monastery, or to his provincials; and with-held from the church no part of its ornaments or possessions. His memory went down to posterity, distinguished with uniform virtue and propriety.*

In 1149, Roger the prior died, and Laurence succeeded him.

During the late prelate's episcopacy, various struggles were made in vain by the empress Matilda to recover the crown of England; and, after a variety of misfortunes and perils, at last she escaped to Normandy.

Henry, the empress's eldest son, having attained his age of sixteen years, a youth of a lively and enterprising genius, being acknowledged by the powerful party in his mother's interest as heir to the throne of England, was sent over from France by his father Geoffrey Plantagenet, according to the prevailing custom of that age, to receive the order of knighthood from his grand-uncle the king of Scotland. On the prince's landing in England, he was attended, by all the powerful barons of the north who were in his interest, to Carlisle, where he was met by the Scottish monarch. The ceremony of the prince's receiving the order and badges of knighthood was performed with great pomp† on the 22d day of May, in the year 1149, at Carlisle, in the presence of a numerous assembly of grandees of both nations. On this occasion the prince took an oath, that, when he should ascend the throne of England, he would confirm to David and his heirs the territories which he and his son then held in England, together with Newcastle on Tyne. The prince remained eight months at David's court, improving in the art of war, and in the liberal arts and sciences, which were cherished there at that time equally with the most polished state in Europe.

During the time of the late bishop, Osbertes, *vice-comes*, who

* Ang. Sac. p. 718. † Lel. Col. v. iii.

held, of the gift of bishop Flambard his uncle, the manor of Middleham, in full synod, with the bishop's assent, gave to the prior and convent of Durham, the church of Middleham; and the bishop afterwards confirmed the same by his charter.*

In the year 1152, Henry, earl of Northumberland, departed this life, to the great affliction of his father, and the whole nation of Scotland; who, from his many virtues, had cherished infinite hopes in his succession to the crown. William, the prince's second son, took the earldom of Northumberland.

A multitude of propitious circumstances flowed in upon prince Henry, the son of the empress, which united to increase his influence and power. His father resigned to him the duchy of Normandy; and, by his decease in the following year, he came to the inheritance of Anjou, Touraine, and Maine. The next year he gained Guinne and Poicteu, by his marriage with Eleanor, the divorced queen of Louis, surnamed the Young, King of France. The prince's greatness could not be overlooked by the king of England: He grew jealous of his increasing fame, and entertained fears for the succession of the crown, which he wished to leave to his son Eustace. He devised several projects to secure the succession, and, among others, obtained an assembly of the prelates and heads of the clergy, to whom he proposed having his son crowned in his life-time. The assembly objected to this unprecedented proceeding, especially Theobald archbishop of Canterbury; which irritated the king to shut up all the members of the assembly in the house in which they then were, and to surround it with guards, till they should yield to his request. The archbishop effected his escape, and fled into Normandy, which totally overthrew every hope the king had entertained. The proceedings of the king on that occasion, and some severities exercised on many of the empress's old adherents, determined the prince to pass over into England, in order to support his party, and assert his rights. In this enterprise he was so successful, that at length the king found himself reduced to the necessity of declaring prince Henry successor to his crown; at which time it was agreed Stephen should reign during his life. This compact took place in the year 1153; and in less than a year the king died, and Henry, with the universal approbation and congratulations of his people, ascended the throne. The civil broils and distresses of Stephen's reign, are testimonies of his folly and incapacity. He was not endowed with qualifications for governing a great and powerful nation, whose ideas of liberty began to re-

* Mon. Ang. v. ii. p. 846.

vive from the accumulated ruins which were derived from the Norman accession.*

The See of Durham having become vacant by the death of William de Sancta Barbara, a dissention arose in the monastery, touching precedency and authority, which somewhat impeded the election of a prelate. But, in the month of February, in the year 1153, the prior and convent unanimously elected thereto

HUGH DE PUTEACO, PUSAZ, or DE PUDSEY,†

a secular priest, nephew to K. Stephen‡ and the bishop of Winchester, then treasurer of York, and archdeacon of Winchester, a youth about the age of twenty-five years. The electors formed great hopes, that, from his illustrious birth, he would, with much virtue of mind, support the dignity of his See, and maintain its liberties and privileges. The election being made known to the archbishop of York§, he, with the abbot of Clarevalle, and several other dignified ecclesiastics, highly censured the convent for an act of arrogance and presumption, in attempting to chuse a bishop without the metropolitan's consent. Whether this was the real objection, as a matter of infringed prerogative, or it was in opposition to the court, there is no determining: But, in the reprehension the convent received, they were told, in the election of a bishop, neither personal beauty, or any partiality of favour, ought to be admitted as considerations; but the chief motives should be an approved life, and exemplary virtues. It appears that the age of the prelate elect was a chief argument used against him, as being much inferior to what is stipulated in the canon; and his behaviour was thought too secular and unclerical. No wonder, indeed, these particulars should prevail powerfully in the archbishop's mind against Hugh. He was a monk of the Cistercian order, a person of great religious severity, and, in his own life, a strict disciplinarian, never yielding to any personal indulgence, and constantly wearing sackcloth next his skin. He was rigidly conscientious; that is, he carried every form and ceremony to the greatest degree of punctilio; and as he maintained the highest dignity of example, so did he in precept. He was austere, distant, and reserved.‖

* William de Sancta Barbara, bishop;—elected 14th of March 1142; consecrated 20th June 1143; privately enthroned 18th August 1143; enthroned duly, 18th October 1144; ob. 14th November 1152.

Officers of the See during the Time of this Bishop:

High Sheriff,—Osbert, nephew of Ranulph: Mon. Angl. tom. ii. p. 846.

Constable of the Castle,—Roger Coniers:—*Randol's MSS.*

† MSS. Eccl. Dunelm.—Angl. Sac. p. 719.

‡ No author has told us the place of his birth, or the name of his father.

§ Henry Murdac, a pupil of St Bernard, the famous abbot of Clairvaux

‖ Stubb's Act. Pont. Ebor. Col. 1721.

When the archbishop found his remonstrances availed nó with the convent to induce them to revoke the act of their chapter, he lost all moderation in his resentment, and broke out into the most shameful vehemence, pronouncing an excommunication against all the parties concerned therein. The bishop of Winchester, who had the king's concurrence, was the only prelate that appeared publicly on the side of the electors.*

Under this anathema, the bishop and convent made application to the king, entreating his intercession with the archbishop for a revocation of the sentence; but he remained inflexible to all the arguments of the sovereign, and Eustace his son; protesting he would not remit the same, unless all the parties, with sincere penitence, would submit themselves to the judgment of the church of York. Application was then made to archbishop Theobald, the pope's legate in England, who granted them an absolution in the church of Beverley: But, as something was to be done to conciliate the mind of the archbishop of York, they were sentenced first to submit to the penance of the whip, within the precincts of that church. Wharton, from Geoffrey of Coldingham, says, this act did not add any thing to Hugh's merit of consecration; and that the convent, who made this ridiculous spectacle to the public, looked upon it as an act of the greatest decorum, despised the reproaches of the vulgar, and esteemed those persecutions as meritorious sufferings for the liberties of their church.† This ceremony was no sooner ended, than the bishop elect, with prior Laurence the archdeacon, and several of the principal people of the diocese, set out for Rome. Geoffrey, in an ironical and contemptuous stile, relates the circumstances of the journey; and says, "the reverend troop took the attention "of all people as they travelled, who blest the incomparable "church to which such illustrious personages belonged." The archbishop of York sent his proxy to Rome, to prevent the success of the travellers: But Pope Eugenius the Third,‡ who was of the Cistercian order, and with whom their adversary would have had great interest, was lately dead, and Anastacius, or Athanasius, the Fourth, elected in his stead, a total stranger to the archbishop; which propitious event procured them an honourable reception. Indeed the death of the abbot of Clarevalle, and the archbishop, did not contribute a little to the establishment of our bishop, as all further opposition ceased there. After some little examination, Hugh received his consecration at Rome on the vigil of St Thomas the Apostle.

* Stubb's Act. Pont. Ebo. Col. 1721. † Ibid. p. 720.

‡ He was also a pupil of St Bernard's, and an old friend of archbishop Murdac.

As they hastened to return to England, prior Laurence was seized with a mortal disease, and died at a village in France, from whence his remains were some short time afterwards brought to his church at Durham, and interred in the cemetery yard with his brethren. The bishop, impatient for his return, hastened forward, with such of his attendants as were not wanted to be with the corpse of Laurence, and with great joy reached England. On the 2d day of May 1154, he was enthroned at Durham, with universal assent; and, in the same year, Absolon was elected prior.*

Geoffrey describes the bishop as being a great dissembler; that his countenance and character were affected; his specious virtues and professions of honour were hypocritical and delusive. He charges him with a base weakness, a cupidity of detraction, from which he possessed an ear open to all the invidious tales of discontented and malicious men: who, to win his favour, and aggrandise themselves, repeated to him whatever fell from the prior, or any of the convent, either in secret or in jest: So that his aversion and wrath were in a little time highly provoked against the members of the chapter. The secrets of the convent were unfolded to him, and his passion for evil communication was gratified with every vexatious tale malevolence could repeat, or cunning pervert, to suit the habit of his mind. The consequence was unhappy; he withdrew from the religious body every degree of confidence; day after day he wore a countenance of greater austerity, and at length totally refrained from all conversation and intercourse with the convent, in which he had formerly shewn himself very happy. At length nothing was done with impunity. Many of those minions who served his basest principles, and poisoned his ear with adulation and scandalous reports, were preferred to offices, in contempt of the prior and convent, and, in several instances, by an usurped authority. Prior Absolon, though educated abroad, is not represented as a man of great parts or erudition, and, under the contentious spirit of the bishop, suffered many of the privileges of the church to be infringed.†

In the latter end of the year in which the bishop returned from Rome, king Henry the Second, on the demise of king Stephen, ascended the throne. His first attention appears to have been placed on those sources from whence the evils of the former reign were chiefly derived; and, in consequence, he caused the castles which were fortified by the prelates and barons, in the time of king Stephen, to be dismantled, and many of them totally destroyed. He did not at that time disturb the fortresses of the See of

* Ang. Sac. p. 720. † Ibid. p. 721.

Durham; but as an early instance of his favour, granted to the bishop a continuation of the liberties and privileges of his palatinate.*

The reduction of the castles was followed by the king's revoking all the grants of crown lands, which were weakly and indiscriminately disposed of by his predecessors. Northumberland and Cumberland came within the class of those grants which he reversed; and, notwithstanding the oath he took at the time he received the honour of knighthood, he insisted on those territories being resigned by the crown of Scotland. King David had been dead some short time, and Malcolm his grandson, then a minor of tender years, on the throne, was under regency. But those territories were not re-assumed, without the king of Scotland having Huntingdon secured to him; for which purpose it was taken from Simon de Liz the Third, descended of the king's mother by her first husband. It was not long before disputes were fermented between the soverigns, a murmur and discontent arising among the Scots for the loss of so large a tract of territory. Henry ordered the fortifications of Wark to be restored, and strengthened with additional works. But the matters of difference cooling between the nations, peace was maintained during the life-time of Malcolm, who falling into a declining state, died at Jedburgh in the year 1165, in the 25th year of his age, and 13th of his reign. He was succeeded by his brother William, surnamed the Lyon. He had imbibed the most inveterate hatred against the English during the last year of his brother's life, for the injury he conceived his country sustained by taking away Northumberland.—From the time of that event there was no settled peace subsisting between the nations; for though open hostilities were suspended by repeated truces, yet frequent inroads and depredations were reciprocally committed on the borders. King William made several demands of restitution of Northumberland, to which Henry evaded giving any definitive answer; amusing him with distant

* The lands and privileges falsely claimed by the men of Northumberland during the life of the former bishop, king Henry II. by a confirmatory charter, grants, "Deo "& Sancto Cuthberto & ecclesiæ Dunelm. & Hugoni epo. & omnibus successoribus "suis quietas & liberas & imperpetuum."

King Henry II. also granted by his charter, "Deo & Sancto Cuthberto et ecclesiæ "Dunelm. et Hugoni Dunelm. epo. *omnes terras & consuetudines et leges & quietu-* "*dines de quibus omnibus seisita erat predicta ecclesia, die qua primus Will'us ep'us* "*fuit vivus & mortuus. Et si ipsa dissaisita est de supra dictis rebus cito resaisatur.*" And commands "*ut ita bene & quiete et honorifice teneat pred'cus Hugo ep'us Dun-* "*elm. sicut pri'us Will'us ep'us & Ranulfus ep'us antecessores sui unquam melius vel* "*liberius tenuerunt uno die vel una nocte.*"

Also, by another charter, grants to the same bishop,—"*Omnes libertates consuetu-* "*dines et quietancias*" that his predecessors had in the times of any of the former kings; and commands that he have "*libere & honorifice et quiete applicationes na-* *vium de parte sua in Tina.*"—Extracts from the Rolls at Durham.

promises of referring the matter to his council, when he was at leisure from the broils he was involved in by Becket, archbishop of Canterbury, the French king, and his own turbulent barons. To these succeeded domestic troubles of a very serious nature. Prince Henry, the king's eldest son, in imitation of a usage long held in France, had been solemnly crowned, it is alledged, with a view of strengthening the king's family against the consequences of a papal excommunication and interdict, with which this kingdom was much threatened; a bugbear in those days tremendous to the greatest monarchs. The prince had espoused Margaret, daughter of the king of France, and with her passed over to Normandy, and thence to the French court, where the wild and unbounded ambition of the giddy youth was wickedly cherished, and stimulated to break forth into open excesses. He was induced as much by the instigation of his mother, as his own desire of greatness, to set up a claim to his father's diadem; and presumed to avow an intention of depriving him of the throne of England: Under a promise of ceding Northumberland and Cumberland, he engaged the king of Scotland in his enterprise. In consequence of this confederacy,* the Scottish king led a great army into England, in the year 1173, beginning his campaign by the siege of Wark. To form an idea of the people who committed the most cruel depredations in this expedition, take Ralph de Diceto's description. This army, he says, "consisted of an infinite multitude of men of Galloway, who were remarkably ferocious and daring; were swift of foot by daily exercise, being also naked: They were dexterous at throwing the lance or javelin, which they could cast to a vast distance with great exactness: and, for closer fighting, were armed with a short poinard." The Castle of Wark not being easily reduced, they raised the siege, and went before Carlisle, where they were equally unsuccessful. From thence they advanced into Yorkshire, having a free passage allowed them through the palatinate of Durham by the bishop. Richard de Lucy, who then held the office of justiciary, and Humphrey Bohun, constable of England, advanced with an army to oppose the Scots, who retired at their approach; and soon after a truce was entered into by the mediation of the bishop of Durham, to continue to the end of the approaching festival of Easter; for which Northumberland paid to Scotland 300 marks.† In the beginning of April the king of Scotland again entered Northumberland with an army of eighty thousand men. A detachment ravaged Cumberland, and took most of the castles in that district. Warkworth

* Ford. l. viii. c. 21.—Chr. Melros, &c. † —Hoveden, Lel. Col. v. iii.

and Harbottle Castles in Northumberland were reduced; but at Pruddoe, on the south banks of Tyne, a castle of Odonel de Umfreville, the Scots met with a brave resistance, which staid their progress so long, that the northern English barons in the king's interest, levied a great army; on whose approach the Scots retreated towards Alnwick. Whilst the king of Scotland lay in that station, he suffered his army to be deranged, broken into divisions, and detached to pillage the country: whilst unsuspicious of danger, the king retained but a small party near him for his guard. Thus circumstanced, the king was surprized by 400 horsemen sent from Newcastle,* under the command of Robert de Stuteville lord of Knaresbrough, Ranulp de Glanville, and Bernard Baliol.† Walter de Coventree adds to these, Gul. de Streteville, Will. de Vesey, Ra. de Tilley, constable, of the family of the archbishop of York, and Odonel de Umfreville. A thick fog concealed the approach of this gallant troop, but yet left them doubtful of the danger which might be at hand. Under this circumstance, it was the general opinion of the party, that it would be most prudent to desist from the enterprise. But Baliol, of an intrepid spirit, encouraged them to advance; the fog soon after dissipating, they found themselves in sight of the Castle of Alnwick; and discovered the king, with a guard of about sixty horse, taking the air, unsuspicious of danger. The Scots did not take notice of their approach, presuming they were a party of their own troops returning from pillaging the country. When they were advanced so near as to render further deception impracticable, they displayed the English standard; on which the king of Scotland, disdaining to turn his back on danger, with great bravery spurred on his troop, and charged the English. His horse was killed under him, his party overpowered, and he, being made prisoner, was hurried away by his conquerors, who brought him to Newcastle that night. Benedict, of Peterborough, says, on the day the king of Scotland was surprised, earl Duncan, with a division of the Scottish army, entered Warkworth, which they reduced to ashes, putting the inhabitants to the sword, without distinction of age or sex; that they forced open the church of St Laurence, and the parsonage house, where they butchered about 100 men, besides women and children. Gul. Numbr. speaking of the king of Scotland's negligent situation, has those words; *suo quippe tam vasto, quamvis minus conglobato, circumvallatus exercitu, conclusam illam paucitatem facile absorbendam esse a circumfusa multitudine, nec ambigere dignabatur.*‡ From Newcastle they removed their royal captive to

* Scala. Chron. lib. ii.—Lel. Col. v. ii. p. 532.

† Gul. Nubr. lib. ii. c. 33. He names Stuteville, Glanville, Baliol, and Gul. de Vesey.

‡ Gul. Nubr. lib. ii. c. 33. p. 192. oct. ed.

Richmond Castle, a place of greater strength and security, there to be detained till the king's pleasure should be known. This event threw the whole Scottish army into the utmost confusion. Making a retreat with all expedition to their respective districts, like savages, without restraint, they fell upon the inhabitants of the borders with renewed cruelty, and cut off all their English fellow subjects in their passage.*

Before the commencement of the differences between the prince and his father, in the year 1166, in the 12th year of the reign of K. Hen. II. the bishop of Durham, by royal mandate, was required to make a return of the military service within his jurisdiction of the old and new feoffment, that an aid might be levied for the marriage of Maud the king's daughter; to which precept a return was made to the king's exchequer of the persons, with their several services, in the following order.†

Aº Hen. II. 12º A. D. 1166. "Henrico regi Anglor. duci "Normannie & Aquitanie, comiti Andegavie. Domino suo ka- "rissimo Hugo Dei gratia Dunhelm. episcopus salutem et fidele "servitium. Precepit nobis, domine vestra sublimitas, quod li- "teris nostris extra sigillum pendentibus vobis mandaremus, "*quot milites haberemus de veteri feoffamento, et de novo*, scilicet "anno et die, quo Henricus vivus & mortuus, et post mortem "ejus; nos vero juxta preceptum vestrum, vobis mandamus.

"*In Lincolnshire tenent de veteri Feoffamento.*

"Richardus de Haya,	- -	feod. 2 militum.
"Hugo Wac, -	-	—— 2 ——
"Hugo Pencon, -	-	—— 7 ——
"Phillipus de Kima,	- -	—— 3 ——
"Galfridus de Cadinton,	- -	—— 2 ——

"*In Eborumshire.*

"Willelmus de Perci, - -	—— 4 ——
"Willelmus Fossard, - -	—— 1 ——
"Hedardus de Gardhum, (alias Garthum)	—— dimid. mil.
"Gilebertus de Bardulebi, (alias Barleby)	—— dimid. mil.
"Filius Roberti de Bonavill, -	—— dimid. mil.
"Gilebertus Hansard, 1 milit. nona p'te "minus, quam Jordanus Hairun tenet. "(alias Heron).	
"Jordanus de Hameldon quartam partem "1 milit. de veteri feoffamento, & tan- "tundem de novo.	
"Radulphus Noble feodum 1 militis de novo.	

* Gul. Nubr. lib. ii. c. 34. p. 193. † Ex libro rubro in Scaccario.

" Ultra Tesan in Domino beati Cuthberti tenent de " veteri Feoffamento.

" Rogerus de Coneres, - - feod. 3 militum.
" Robertus de Mandaville, - - —— 5 ——
" Willielmus de Vesci, - - —— 3 ——
" Filius Bertram de Bulem. (alias Bulmer) —— 5 ——
" Willielmus filius Osberti, - —— 3 ——
" Thomas filius Willelmi, - - —— 2 ——
" Romanus de Helton, (alias Hilton) —— 3 ——
" Elias de Eschan'land, (alias Ashland aut " D'Escotland - - } —— 2 mil. & tertie p'tis unius.
" Rogerus de Aldn. (alias Aldernege) —— 2 militum.
" Galfridus filius Richardi, - - —— 1 mil. & dim.
" Adam de Mustiers, - - —— 1 militum.
" Hugo filius Pencon, - - —— 1 ——
" Willielmus de Fisburn. (alias Fishburn) —— 1 ——
" Willielmus de Hepped, - - —— 1 ——
" Rogerus de Heppligdene, - - —— 1 ——
" Radulphus de Wirecestre, - - —— 1 ——
" Henricus Pappede, - - - —— 1 ——
" Stephanus de Bulem. (alias Bulmer) feod. 1 militum
" Galfridus de Torp, (alias Thorp) —— dimid. milit.
" Radulphus Hagget, - - —— dimid. milit.
" Filius Lucæ de Kevelane, - - —— dimid. milit.
" Filius Ilgeri Burdun, - - —— t'tiam p'tem 1 milltum.
" Odo de Brembe, - - —— quartam p'tem 1 militum.

" In ead. terra b'ti Cuthberti de novo tenent Feoffamento.

" Galfridus Ernulf. fil - - feod. 1 milit.
" Hugo Burellus, - - - —— 1 milit.
" Robertus de Capella, - - —— dimid. milit.
" Gilebertus de la Leia - - —— dimid. milit.
" Gilebertus Camerarius quintam p'tem 1 mil. & ex alia p'te X. partem unius.
" Johannes Pincerna, t'tia. p'tem 1 mil.
" Radulphus filius Roberti quartam p'tem. 1 mil.

" Super dominum vero n'rum de quo similiter mandare precep-
" istis nulla sunt feod militum nec ulla debemus. Nam de hiis
" omnibus etiam quos supra diximus servitium tantum militum
" decem vobis debemus. Valeat dominus meus.

"Richardus de Scales tenet Hesseburn de dono Willelmi de "Stoteville per feod. 1 milit. quam Hepater eidem dedit.*"—
Lib. niger Scaccarii, p. 306. *Randal's MSS.*

It is observable, that no one within the earldom or wapentake of Sadberge is named in this return of knights; the most powerful in that liberty being Baliol, Brus, and Tailbois. This is another convincing proof, that the royal grants to the See of Durham did not anciently extend between Tyne and Tees.

In 1171, Becket archbishop of Canterbury, was assassinated; the king, to purge himself from the charge of being an abettor, submitted to the most degrading penance. Notwithstanding the intolerable arrogance and pride of this prelate, his miserable exit, together with the time, place, and circumstances of the murder, caused his errors to be forgotten; and his memory, afterwards, was even held in veneration. The same day the king left Canterbury, the king of Scotland was made his prisoner. On that very day the armament from Flanders, prepared to invade this kingdom, met with a storm; the fleet was scattered, and many of the vessels wrecked. These were the rewards which, according to the superstition of the age, Divine Wisdom was supposed to dispense as marks of approbation of the most abject degradations of royalty. The king lost not a moment to pursue the correction of his diffident barons; and, in less than a month, compelled them to surrender their castles and persons. Whilst he remained at Northampton, his royal prisoner was brought before him, like a common malefactor or traitor, with his feet bound under the belly of the horse on which he rode. Such were the manners of the times. The bishop of Durham also came before the king at Northampton, to make his submission. He was the only prelate in the realm who had given cause to suspect his loyalty. He had, in the former year, permitted the Scottish army to march through his territories without opposition; and lately had sent for a body of Flemings, consisting of 40 knights and 500 foot soldiers, to come over into England, under the command of his nephew Hugh de Bar.† They landed at Hartlepool on the very day the king of Scotland was made prisoner; the news of which event induced the bishop immediately to send back the foot; but he retained the knights, and committed the care of his castle of

* *Doubts about the Number of Knights' Fees.*
The bishop of Durham was charged with seventy knights' fees for the aid to marry king Henry II.'s daughter, Maud, to the duke of Saxony. The bishop acknowledged ten knights' fees, and disowned the other sixty.
Maddox's Hist. Exch. p. 404. *Baron. Angl.* 122.

† Lel. Col. v. i. p. 128.

Northallerton to his nephew, with that force for its defence. It appears that the bishop, soon after coming to the See, rebuilt, or otherwise greatly enlarged the works of Northallerton Castle, which, at that period, was one of his chief places of strength. The bishop, under the present situation of state affairs, was glad to accommodate his offences with the king, upon any terms he could obtain; to which end he paid a large sum of money into the royal coffers, and surrendered his castles of Durham, Northallerton, and Norham; which latter place he had rendered very strong, by reforming or rebuilding the Donjon tower, and strengthening the outworks.

The king with the utmost expedition, hastened into Normandy, where victory and success every where attended his steps.—He made peace on his own terms with the king of France, and received the submission of his rebellious sons, whom he treated with a clemency and heroic generosity their offences did not merit. Whilst at Fallaise he concluded a treaty with the king of Scotland, whom he carried with him, first imprisoning him at Caen, and afterwards removing him to Fallaise; at which latter place he liberated him on very humiliating terms to the Scottish nation; not less than doing homage, and swearing fealty for his kingdom, and other submissions too tedious to relate. Soon afterwards the keepers of some of our northern fortresses were removed. Norham, which was in the keeping of Roger de Coniers, was committed to William de Neville: and Geoffrey de Neville was made governor of Berwick.* The bishop, to conciliate the mind of the king, who still wore a frown on his former diffidence, presented him with a free gift of 2000 marks, to induce him to spare his castles from destruction, and to purchase, for his son Henry, the royal manor of Witton. The manor was obtained, but he could not rescue his Castle of Northallerton, which the king ordered to be razed to its foundation.†

Not long after, at an assembly of the military tenants at Winchester, summoned to concert the king's intended passage into Normandy, it was advised by his council, that the castles of Durham and Norham should not be surrendered up to the bishop, whose fidelity, during the king's absence, was much suspected:‡ But the keepers of those fortresses were made to swear, upon the relics of saints, that, in case of the king's death, they would surrender the castles to the bishop, on receiving orders from Richard de Lucie, the bishop of Winchester, or the bishop of Ely; and, on the death of the bishop, they should restore them to the

* Rym. tom. ii. p. 564. † Lel. Col. v. i. p. 133.—Hoved.
‡ Lel. Col. p. 134.—Ang. Sac. p. 722.

church at Durham, in order that the rights of that church might not be infringed. It was also a part of that oath, that wherever they found robbers, or other criminals, in the bishop's territories, they would bring them to justice.*

A perfect harmony subsisted between England and Scotland during the remaining part of K. Henry's reign. Our bishop, with Ranulf de Glanville, meditating a settlement of the affairs of Galloway, in which they were sureties for the safe conduct of Roland, who claimed that province, to and from the presence of the two sovereigns of England and Scotland, met at Carlisle on that matter.

In 1188, the king of England entered into a compact with the French king to go upon a crusade; and, in provision for that expedition, a tax of one tenth was imposed upon his subjects, both clergy and laity. The bishop of Durham was one of the commissioners appointed to collect it in Scotland. On this embassy the English commissioners were met at Brigham in Northumberland by the king of Scotland, and a great assembly of bishops, earls, barons, and inferior vassals. Though the king expressed his willingness to suffer the tax to be levied, the assembly vehemently protested against it, and neither the soothings or threats of the English ambassadors could shake their determination.

Whilst the king of England was earnestly preparing for this expedition, he was obliged to pass over into Normandy, to defend his dominions there against the attacks of France, united with the rebel forces of his eldest son Richard. His former prosperity forsook him: His embarrassments were multiplied. Such truces as he could obtain, only served to strengthen his enemies; and at length his affairs became so critical, that he was obliged to sue for peace, on terms to be dictated by the king of France.—In the midst of these distresses, the king's youngest and favourite son John, went over to his adversaries. The king's mind and constitution, weakened by such severe exercise, could not support this last shock; and, two days after signing the articles of peace with the king of France, he departed this life. His disappoint-

* *Carta regis Henrici Secundi de missione justiciæ regis in terram S. Cuthberti non consuetudine sed ex necessitate.*

Henricus rex Angliæ & dux Norm. & Aquit. & com. Andeg. Justic. Vic. & omnibus Ministris suis de Eboracsir & de Nordhumberlanda salutem. Sciatis quod *concilio baronum meorum & episci Dunelm, licentia,* mitto *hac vice* in terram S. Cuthberti *justiciam meam,* qui videat ut fiat justicia secundum assisam meam de latronibus & murdratoribus, & robatoribus, non quod velim *ut trahatur in consuetudinem* tempore meo vel hæredum meorum, sed ad tempus hoc facto pro prædicta necessitate. *Quia volo quod terra B. Cuthberti suas habeat libertates & antiquas consuetudines sicut unquam melius habuit.*—T. Gaufr.—Archiepus Cant. Ric. Arch. Pictar. Com. Gaufr. Ric de Luci. Apud Wodestoc.——*MSS. Dr Hunter, and T. Gyll, Arm.*

ments threw him into so violent a rage, that he cursed the day of his son John's birth, and uttered the most horrid imprecations on his other sons, which the bishops then present could never induce him to revoke. As his dissolution drew near, he ordered his attendants to carry him into the church of Chinon, where he then lay; and making some short prayers, in a voice so low as not to be heard by the bystanders, but by his gestures construed to be penitential, he died there. It is said his domestics forsook him after stripping his corpse, and leaving it naked before the altar. He was interred at Fonteveravd.*

Thus expired one of the greatest monarchs of the age. He possessed the quickest apprehension and judgment; had a valiant soul, and blended prudence, policy, and generosity, with courage. Blest with a studious mind, he enriched it with much erudition. Such illustrious characters were yet stained by ambition, insatiable love of fame, and an inordinate passion for the fair sex. Rapin, from the authority of Brompton,† charges him with attempting the chastity of all he met, not excepting the princess designed for his son's spouse. In the beginning of his reign he was esteemed the greatest prince in Europe; but his felicity was sullied by the intolerable arrogance of Becket, and brought to destruction by the crimes of his family. By his accession, this kingdom became superior to France; and he added greatly to its powers and honours by the conquest of Ireland. He died on the 6th day of July 1189, and in the 57th year of his age, having reigned upwards of 34 years.

He was succeeded by his then eldest son, Richard, surnamed *Coeur de Lion;* who, soon after his coronation, prepared for a crusade; for which purpose he had assumed the cross in his father's life-time. Not content with the money his father laid up for an expedition of the same kind, he made every effort to amass much treasure, and did not hesitate to stoop to measures disgraceful to his crown. He offered to sale his castles, demesne lands, and towns; and released the king of Scotland and his heirs, with the kingdom of Scotland, from all subjection to the crown of England, for 10,000 marks of silver; at the same time resigning Roxburgh and Berwick for ever.

Whilst the king was making his preparations, the bishop of Durham, enflamed with the zeal of the times, after the example of many other prelates and abbots, also took upon him the vow and cross, and, on his part, levied money for the expedition.‡ He built himself a beautiful galley for his passage, together with

* Rapin, p. 243.—Brompt. p. 1151.—Hoveden. † Brompt. p. 1044, 1150, 1151. ‡ Angl. Sacra, p. 723.

several other ships to transport his retainers, retinue, and attendants. That he might exceed all the other prelates and leaders in magnificence, he also prepared for his journey, furniture, and necessary implements for his kitchen, together with other household vessels, all of silver. He made himself a throne, or chair of state, of admirable workmanship, in silver, highly ornamented. It is agreed by all historians, that, to raise supplies for this pursuit, he distressed his people with grievous exactions and taxes. The king did not remain a stranger to his splendid preparations; neither could the money he had amassed, or his repentance of the hasty vow he had made, be kept secret. The king laid a scheme to avail himself of this knowledge. More desirous of the bishop's gold than his personal services, he most graciously proposed to dispense with his vow, in order that he might remain at home, and take care of the realm, as one of the regents, in his absence. His vanity was instantly kindled to a blaze, and his eyes were blinded by the prospect of power, from discernment of the king's original purpose in the application; who immediately, on the bishop's accession to his proposal, applied to borrow the money the prelate had collected, as now being useless to him. This brought on a bargain for the purchase of the earldom, wapentake, and manor of Sadberge, to be annexed to the See of Durham for ever, together with the earldom of Northumberland for life, for which the prelate was to pay £11,000.* The young king, when he girt the bishop with the military sword, and conferred those earldoms upon him, could not forbear his derision of the inconsistent character; and turning to his nobles, said, "You "see what power I possess: I have made a young earl of an old "bishop."† From this period the bishop of Durham, in right of Sadberge, assumed the dignity of a temporal earl, united with the episcopal function. For it was not only a creation of the title of earl of Northumberland that the bishop was then honoured with, but with the local earldom of Sadberge too, which was granted in perpetuity to the See, whilst Northumberland was only a temporary honour, extinguishable on the bishop's death. In consequence of this grant, the bishop and his successors, graced the mitre of Durham with the earl's coronet, and displayed the sword with the pastoral staff.‡ These new dignities were not sufficient to satisfy the prelate's ambition: He pressed the king for performance of the terms originally proposed, that he might have a

* Geof. de Cold.—Ang. Sac. p. 724. † Gul. Nubr.

‡ Richardus rex vendidit manerium de Sadberg Hugoni episcopo, Dunelmensi pro 600 marcis, vendidit rex etiam Hugoni comitatum Northumbriæ pro tempore vitæ suæ.—*Hoved—Lel. Col. v. i. p.* 290.

more specious and colourable excuse for not performing his vow, and desired the king to alledge, that he could not be spared out of the kingdom whilst he was on his intended expedition; and, for 1000 marks additional gift, induced the king to appoint him chief justiciary of all England, and governor of the castle of Windsor, with the adjoining forest. The pope's dispensation was obtained, it is said, by a similar influence. Before the king's departure, England was divided into two districts. Longchamp bishop of Ely, chancellor of England, and legate from the See of Rome, was appointed regent over the southern department, and the bishop of Durham over the district north of Humber.

The bishop's authority and magnificence was now at its height. He not only possessed the official dignity of earl of Northumberland, but had obtained a local and perpetual earldom annexed to the See, and an additional district of great extent, by means of which he now held the whole territory between the rivers Tyne and Tees. Sadberge was granted in the year 1189, under the description of the manor of Sadberge, with the wapentake thereto belonging; together with the service of Peter de Carow of one knight's fee for Seaton and Overton; Thomas de Amundeville, one knight's fee, for Coatham and Treiford; Godfrid Baad, two parts of a knight's fee, for Middleton and Hartburn; with sochâ and sachâ, toll and theem, and infangtheof; with all other liberties and free customs, and pleas of the crown, as the king held the same in his own hands, and as the bishop held and enjoyed his other lands and knights fees within the bishopric.*

* Richardus, &c. Sciatis nos dedisse & concessisse & presenti carta confirmasse, *Deo & beato Cuthberto & ecclesiæ Dunelm & Hugoni Dunelm episc.* charo consanguineo nostro & successoribus ejus in puram & perpetuam eleemosyn', (pro animab' patris nostri & antecessor' nostrorum, & pro salute nostra & heredum nostrorum & pro stabilitate & incremento regni nostri) *manerium nostrum de Sadberge, cum Wapentagiis ad idem manerium pertinentibus,* & cum omnibus aliis rebus ad illud pertinentibus, tam in honoribus quam in terris cultis & incultus, in viis & semitis, in pratis & pasturis, & stagnis & molendinis, in aquis & piscariis, & servitium *Petri de Carou* & heredum suorum de feodo unius militis d' Seatona & Oveton, & servitium Thomæ d' Amundevill & heredum suorum d' feodo unius militis d' Coatham, & d' Treiford, & servitium filii Godfridi Baad & heredum suorum d' feodo duarum partium unius militis d' Middleton & d' Hartburne, quas terras nobis tenebant inter Tinam & Teisam, cum omnibus aliis ad præd' feoda pertinentibus in excambium pro servitio trium militum quod Phillipus d' Kyme d' ipso episcopatu in Lincolnsira tenebat & pro feodo duorum militum quod Girardus d' Camul d' eod' ibibem tenebat, & pro feodo unius militis quod Baldwinus Wac & filius Rogeri d' Osenill ibidem in eod' tenebant; quare volum' & præcipim' quod prædict. Hugo episc. & successores sui præd. duo feoda militum & duas partes feodi unius militis cum præd. manerio d' Sadberge & Wapentagiis (sicut prædictum est) teneant, habeant & possideant libere, quiete & honorifice, cum omnibus rebus ad ea pertinentibus, *in bosco & plano, cum socha & sacha & toll & theem & infangtheif, & cum omnibus aliis libertatibus & liberis consuetudinibus, & cum placitis ad coronam pertinentibus, sicut nos nostri in propria manu nostra habeamus, & sicut ipse episc. habet & tenet alias terras suas & feoda mi-*

The king soon after passed over into Normandy to join the king of France, the bishop attending him so far on his journey. On the bishop's return, Longchamp, in consideration of his superior dignities, refused to admit him as his compeer in government; and, with artful pretences, decoying him to London, got his commission into his hands, under pretence of examining how far his delegatory authority extended: And then alledging their contrariety of sentiments and disposition would perpetually embroil the state, and impede the steps of government, he denied him a share in the administration. An open rupture ensuing, the bishop of Durham was committed prisoner to the tower, on an allegation of his holding principles incompatible with the liberty of the people.* In this distress he could not avail himself of any project for redress. He had not liberty to send dispatches to the king, and an appeal to his adversary was useless. The only terms he could obtain his release upon were, the surrender of the castle of Windsor, with its dependencies, together with Newcastle, and the earldoms of Northumberland and Sadberge; and to give his son Henry de Pudsey, and one of his chief barons, Gilbert de le' Leya, for hostages to ensure his peaceable behaviour. Under all these circumstances his imprisonment was only enlarged to the territories of Hoveden, from whence he was not to depart, under pain of being apprehended as a traitor.†—Nothing could be more severe or humiliating to a person posses-

litum in episcopatu suo: & ut tam ipse episc. quam successores sui disponant d' honoribus & terris ad idem manerium pertinentibus ad libitum suum & voluntatem sicut d' aliis honoribus in terris suis in eod. episcopatu suo faciant. Hiis testibus, Baldwino Cantuar', Gualtero Rothomag' & Johan' Dublin, archiepiscopis; Regin' Bathon', Hugone Lyncoln', Johan' Norwich', Williel' Wigorn', Hugone Coventr', Selcido Cicestr', Gilberto Roffen', Johan' Oxon', episcopis; Dom' Johan' fratre Dom' Regis, Williel' d' Mandevill comite d' Essex, Roberto comite d' Leicestr' Hamelino comite d' Waren, Gualeramo comite d' Warwick, Williel' comite d' Arundell, Richardo comite d' Clare, Williel' comite d' Salisbur', Rogero Bigoto, & Williel' Mariscallo dom' de Strigeill. Dat' anno 1 regni nostri 18. die Decembris apud Gaitamont per manum Williel' d' Longo Campo Cancellarii nostri. 1189.

In the tenth year of king Richard I. 1199, Hugh bishop of Durham owed the king 1000 marks for the county or earldom of Northumberland, and 600 marks for the exchange of Sadberge. Mag. Rot. 10. R. 1. Rot. 10. a tit. Northumb.——Baronia Angl. 138.

* In the 8th year of king Richard I. 1197, the bishopric of Durham was in the king's hand. The *custodes* rendered an accompt for the assized rent of the manors, and the tallage thereof; the aids of the churches and parsons, the pensions of the churches, the fines of clerks, escuage of knights, fines of sergeants, fines for lands, issues of the baronies, to wit, the barony of Giles Hansard, and the several baronies of Robert de Amundevill, Robert son of Meldred, Henry del Broch, Alden, Ewurth, Tremeldon, Herdewick, Sigeston, and Holton, and for the profit of the *mine* and *cambium*. Hist. Exch. p. 493. Et vide ibid. p. 495, sub anno 13 Henry III. & ibid. p. 497, 448. Bar. Ang. 79, 80.

† Scala. Chron.—Lel. Col. v. ii. p. 534.

sing so arrogant a soul. The bishop took the first opportunity of writing letters of complaint to his sovereign; to which he received in return the royal mandate to liberate him, and put him in immediate possession of Sadberge: But imprudently sending the instrument to Longchamp, he arrested it, returning for answer, "He had a more certain knowledge of the king's will "than could be conveyed to him by written orders." Hoveden* and Neubrigensis say, that, upon the death of Roger archbishop of York, the king ordered his officers to enquire in whose hands his effects lay, and to make seizure thereof. They having information that the bishop of Durham had received 500 marks of the archbishop's money, made a demand, which the bishop answered by alledging he had disposed of it to the blind, lame, and indigent, according to the archbishop's order; which reply so enraged the king, that he commanded his castle of Durham to be seized, and other severities exercised upon him.

Longchamp's administration was so full of oppression, that he was deposed by the great men, who could no longer endure his ill conduct; and, soon after, the king, on repeated calls to return to his dominions, left Palestine, where he purchased immortal honours by his puissant deeds. Attempting to pass through Germany, on his return, with a small retinue, he fell into the hands of Leopold duke of Austria, whom he had affronted at the siege of Ptolemais, and by him was delivered over to his adversary, the emperor Henry VI. A large sum of money was raised for his ransom, of which our bishop furnished the sum of 2000 lb. of silver.† On the king's arrival in England, the bishop discovered a coolness in his carriage he did not expect, and conceiving the earldom of Northumberland was the object of his attention, he voluntarily resigned it into the king's hands, who appointed Hugh Bardolf to the custody thereof.‡ But this was not the matter which occasioned the king's frown. The bishop had spies upon his conduct, who lessened his interest with the sovereign by their whispers; for it got to the king's ear, that, under pretence of raising a supply towards redeeming him from captivity, he had extorted immense sums from his vassals, a small portion of which he had remitted; on which account, the king devised repeated occasions to impose various fines and penalties upon him, and this he did with greater severity, as the bishop did not even endeavour to conceal his riches, but proceeded in the building of Darlington church, and other religious works.—Soon after the king went over into Normandy, in the year 1194, William king of Scotland was in treaty with him for the restitu-

* Hoved. p. 351. † Ang. Sac. p. 724. ‡ Lel. Col. v. i. p. 292.

tion of Northumberland for a sum of money; to frustrate which, and outbid William, the bishop imprudently made an offer to him of 2000 marks,* for the redemption and recovery of his former earldom and honours. From the authority of Geoffrey of Coldingham it appears, that Sadberge was a part now sought to be restored. The proposal was accepted, and the king ordered the money forthwith to be sent to him. But the bishop, too wily to be entrapped by so weak an artifice, humbly besought the king, by letters, to restore him to the earldoms, and thereupon appoint a proper person to receive the stipulated sum; or, otherwise, petitioned him graciously to permit him to apply his money in religious works, for the benefit of his bishopric. The king, as full of subtlety as his vassal, dissembled with him, and wrote letters penned in such delusive language, that the bishop was induced to take a journey to London, with his money, on a promise not only of restitution, but of additional honours in the state. He set out on this business about Shrove-tide, and, resting at Crake, is said there to have brought on his death, by eating to excess at supper of rich and surfeiting viands.† Though he was taken ill there, he moved forward to Doncaster; where, finding his disease increasing, and no longer able to bear the motion of his horse, he returned by water to Hoveden. He had attained the age of seventy years, and yet testified the greatest reluctance to dying. When his physicians told him the imminent danger he was in, he was not inclined to trust them, and grasped hard at the remnant of life. He cherished the hopes of recovery by a mistaken superstition; for Godric, the holy hermit of Finchale, having assured him he should be blind ten years before his death, he considered the prophecy literally, and did not conceive it pointed out to him the blindness which pride and ambition should involve him in; and thence, whilst his eyes continued good, having faith in the hermit's words, he disdained to think of settling his affairs, and preparing for death. But the tyrant's attacks were no longer to be diverted: The bishop's disease and bodily pain increased; and by earnest intreaties of his friends, he submitted to have his last testament prepared, in which he endeavoured to make every atonement he was able for his excesses in power. He made restitution to those

* Hoveden. † Angl. Sacra. p. 725.

The account given by Wil. Nubr. of the bishop's supper at Crake, is in these words. "Veniensque ad villam propriam, quæ dicitur Cræt, dominica, qua mos est "sacerdotibus caput quadragesimalis jejunii solemni usu carnium prævenire; ibidem "supra virtutem corporis senilis, ingurgitavit se epulis, dum miser, cui nil sapit venter, "per saporem illecebram de numero sitate seculorum usque ad gravamen proprium "suscipere cogeretur. Cumque per vomitum vitio crapulæ mederi voluisset; eo ip-"so afflictus est magis."—Lib. v. c. 8. p. 465.

in his palatinate whom he had disseized of their estates and possessions, with ample recompence for the injury. He restored to the monks of Durham the lands and liberties which he had illegally dispossessed them of; and, for recompence, added thereto the vill of Newton, which he purchased, and confirmed to them by charter. He bequeathed 2000 marks to the king, which was promised on restitution of Sadberge; and, on the third of March, 1194, he departed this life at Hoveden, and was interred, agreeable to his desire, in the chapter-house at Durham, with his predecessors.*

In consequence of his political character, and engagements in state affairs, it was necessary to refer to this period, a view of his particular actions, religious works, and acts of benevolence, within his palatinate. Prior Absolon was succeeded by prior Thomas in the year 1162, who engaging with the bishop in a dispute about the church of Allerton, a violent contention arose, in which the monks not supporting their prior as they ought to have done in protection of the rights of their church, was deposed by the bishop in the year 1163, and retired to the island of Farne, where he lived the life of a recluse. He was succeeded by Germanus, who enjoyed the office to his death, which happened in the year 1183. Hoveden says, in this year the bishop made restitution to the convent of 200 marks and upwards, which, from unjust lucre, he had retained in his hands two years. Bertram succeeded as prior, and survived the bishop. He revived the custom of taking the abbot's seat in the chapter and choir, which his predecessor had disused. Notwithstanding the dissentions which subsisted at first between the bishop and convent, it appears they afterwards were reconciled, and on terms of amity, the bishop making several valuable donations to the church.

He granted them Muggleswick in exchange for Hardwick: also granted them, in restitution, a certain vill and lands in Nor-

* The first beginning of institutions to benefices was in a national synod held at Westminster, anno 1124; for patrons did originally fill all churches by collation and livery, till this power was taken from them by canons.——Selden's Hist. of Tithes, cap. 6.

We have a record of an institution of bishop Pudsey's to Whitfield church in Northumberland.—E. Spelman, Gloss. p. 457.

Hugo dei gra. Dun. epus. o'ibus archidiaconis suis clericis & laicis epatis sui, salutem. Sciatis nos ad præsentaco'em Rob'ti Capellani in eccl'iam de Witefeld quæ in feudo suo sita est, canonice impersonasse Rob'tum nepotem suum. Quare volumus & p'cipimus quatenus id. Rob'tus h'eat et teneat eccl'iam p'no'iatam lib'e & quiete tam in decimis quam in cæteris obvenco'ibs, sicut aliqui cli'ci lib'ius et quietius in epatu nostro eccl'ias suas teneant; salvis in o'ib's epa'libus consuetudinib's.—Testib's Joh'e archidiacono Simone Cam'ario, Hen. Lincoln. Williel. de Hoved.—Walter. Capellano.—Steph. Medico. Williel. Elemosinar. & multis aliis. (Circa 1180.)

In dorso chartæ antique scribitur. Presentatio Roberti de Qwitefeld.

hamshire, called Scoreswarch and Waterings,* which he held for some time in their deprivation.

About the year 1180, he granted the foundation-charter of the priory of Finchale, which place was given to the monks of Durham by bishop Flambard, and added new privileges thereto; together with a grant of the vill of Haswell for the better support of the monks there. He also built a chapel to the memory of Godric the hermit.†

He granted a charter to the burgesses of Durham, that they should be for ever exempt from the customs called in-toll and out-toll, and from marchets and heriots; and to have the like free customs as Newcastle. This charter he got confirmed by pope Alexander III. when he assisted with three other English bishops at the council of Lateran in the year 1176.

Approving the pious works of his predecessors, in the buildings and ornaments of the church, he determined to pursue their example; and accordingly set about to make an addition to the episcopal church at the east end thereof, and imported, from abroad marble pillars and bases for the same: But, through some accidents which retarded his progress, he conceived his purpose was not acceptable to Heaven; so that he desisted from that project, and began to build the gallilee at the west end, for the reception of women at the holy offices of religion, who were prohibited approaching nearer to St Cuthbert's shrine than the limits fixed in the pavement near the font.‡ He made three *bactilia*, lamps or lustres, composed of silver and chrystal in which lights were kept perpetually burning before the high altar; other chandeliers also around the altar, in form of a crown to give light on high

* Hugo Dei gra. Dun. ep'us. oib'us videntibus vel audientibus has l'ras salutem. Sciatis nos reddidisse & concessisse & hac presenti carta confirmasse Deo Sco Cuthb'to & pr. & monachis Dun. *terram illam inter Scoreswarche & Norham*, que dicitur *Hwattering cu'peteria* ejusdem ville de *Scoreswarche* quam aliquando ad voluntatem n'ram ab eis cepimus & p' aliquod tempus detinuimus, &c.—Rot. B. Nevill, int. 57 & 58——Randal's MSS.

† Hugo de Puteaco nepos, H. Dunelm. episcopi comes de Bahar super *Setanam* obiit, & sepultus est in Galilea apud Dunelm.—Lel. Col. v. i. p, 290.—Ex liber annalium, &c.

Henricus de Puteaco filius Hugonis episcopi *Finkale*, antea sibi concessum a priore & monachis Dunelm. resignavit hac lege *ut ibi fieret ecclesia et conventus monachorum* id quod factum est.—Lel. Col. v. ii. p. 333.

Hugo de Puteaco inter cetera dedit *villam de Herseunelle* in sustentationem monach. de *Finkehale*.—Ex ib. annalium, &c.——Lel. Col. v. i. p. 292.

‡ Novum ergo ad orientalem hujus ecclesiæ plagam opus construere cepit. A transmarinis partibus deferebantur columnæ & bases marmoriæ, &c. Omisso itaque opere illo, *aliud ad occidentem inchoavit*, in quo mulieribus licite fieret introitus, &c.—Geof. de Cold.—Wharton's Angl. Sac. p. 723.

festivals, and the more solemn ceremonies of the church.* He made a rich feretory, in which he caused the remains of St Bede to be deposited. This was esteemed a piece of most excellent workmanship, composed chiefly of gold and silver.† He gave to the church a crucifix and chalice of pure gold.‡ He built, and amply endowed with lands and tythes, the hospital of Sherburn, for the reception of sixty-five lepers, (the leprosy, though now totally eradicated, being a dreadful evil in those days); together with a master or custos, and chaplains to perform divine service.‖ He appropriated to this hospital the churches of Kellow, Socburn, Grindon, Ebchester, and Bishopton. Neubrigensis would depreciate this charitable institution, by attributing the greatest part of its endowment to extortions, and compulsory acts of the bishop; asserting, that many persons, in a very involuntary manner, contributed thereto.§ He built the bridge at Durham, called Elvet-bridge: rebuilt the borough of Elvet, which was reduced to ashes during Cumin's usurpation; and restored the same, with its ancient privileges, to the convent, to which it formely belonged. He built the city wall from the North Gate, now called the Gaol Gate, to the South, or Water Gate, which ran along the brink of the hill, above the river opposite to Elvet, part of which is still remaining as will be remarked in the View of Durham.¶ He rebuilt part of the Castle of Durham, which, during his episcopacy, suffered by fire.** It appears that part of the borough was damaged by this conflagration, as a remission was made by government of part of the levies, in consideration thereof. About the year 1174, he strengthened the Castle of Allerton, which the king afterwards commanded to be demolished; on which occasion Henry the bishop's son, and the garrison, with some difficulty obtained permission to return to France. He built and endowed an hospital dedicated to St James, about a mile to the east of North-allerton; built various houses upon his manors, and improved and repaired others. About the year 1164, he erected a spacious

* Fecit etiam in ecclesia coram altari *tria ex argenti bactilia*, cum initiis suis argenteis cristallis mixtim insertis dependi, in quibus lumina die nocteque perpetuo ardentia ob venerationem sancti, patris Cuthberti, & reliquiarum lucerent; *alia quoque in circuitu altaris ad instar coronæ* super candelabrum poni, quæ majoribus solemniis accensa ecclesiam suis fulgoribus irradiarent.——Ang. Sac. p. 723.

† Ibid. p. 723. ‡ Ibid. ‖ Ibid—See Sherburn.

§ Neubrig, l. v. c. viii. p. 463.

This was no unusual practice of the prelates in those days. Thus archbishop Courtney, to defray the expences of founding Maidstone College in Kent, had recourse to the arts of his predecessors, who were wont to make others pay for the charities of which they assumed the merit, and accordingly procured a licence from the pope, to gather fourpence in the pound out of all ecclesiastical preferments within this province.—Randal's MSS.

¶ Lel. Col. v. ii. p. 333.—Ang. Sac. p. 723. ** Ang Sac. p. 723.

mansion-house at Darlington, now called the old Hall; and also rebuilt the church there, and instituted a religious society, consisting of a dean and four secular canons. It was said, that, on the dismission of the seculars from the episcopal church at Durham, part of them were settled at Darlington; so that the original foundation ought not to be attributed to this bishop: But, from his munificence, the church, an elegant edifice for the age in which it was built, the regulation of the ecclesiastics there, and foundation of the college, are derived.* He maintained various troublesome and expensive law-suits, in support of the liberties and privileges of the See in which, by his assiduity, riches, and quickness of judgment, he was always successful. Besides those before mentioned, he made several donations. About the year 1169, he granted to the burgesses of the borough of Gateshead, liberty of his forest there, under stipulated acknowledgments, for their cattle and horses, &c. grazing therein, and for fishing there, subject to certain restrictions; and granted similar liberties to the same burgesses for their burgages, as those of Newcastle had in right of burgages within that borough; with the privilege for themselves and cattle to pass through the liberties of the palatinate without any toll or other exaction.† In the year 1180, he confirmed to the nuns of Newcastle, lands in the borough of Durham, granted by one Toce, and Alanus his brother; reserving all services appertaining to the borough of Durham. For the faithful services of his dependents, he made a grant of the vills of Cornsey and Hedley, with lands at Escomb.‡ He caused a general survey to be made of all the ancient demesne lands and possessions of his bishopric, in the form and manner of Doomsday-Book, which is recorded in a small folio, consisting of 24 pages, wrote in a bad hand called Boldon Buke, now remaining in the office of the bishop's auditor in Durham. It contains inquisitions, or verdicts, of all the several tenures of lands services, and customs; all the tenants' names, of every degree; how much each of them held at that time, and what rents were reserved for the same. This book has been produced and admitted as evidence on several trials at law, on the part of the succeeding bishops, to ascertain their property.‖

* Lel. Col, v. ii. p. 333.

† Vide Gateshead, 2d vol. under which head this charter is quoted.

‡ Vide Cornsey, 2nd vol. under which head the grants are quoted.

‖ There is a neat transcript of it in the Chapter Library at Durham, made by Dr Hunter; and another is extant in the Bodleian Library at Oxford (Laud I. 52.) being a thin quarto, consisting of 23 closely written paper leaves, and has once belonged to bishop Tunstall, whose name (Cuthbertus Dunelm E.) written as it seems by his own hand, it is at the bottom of the first page. It is wrote in a small neat hand, about the age of Henry IV. The cover has been blue velvet. In the catalogue, and

The bishop, whilst treasurer of York, had three natural children, all sons; but, after he became a bishop, historians have not attributed such errors to his character. His eldest son Henry was begotten of a lady of noble extraction, and, betaking himself to arms, was a man of valour. The second, named Burchard, was made treasurer of York by K. Richard I. The bishop (notwithstanding this son's incapacity under the canons, and his immoral life) gave him the archdeaconry of Durham, and rectory of Auckland, and loaded him with many other ecclesiastical benefices and promotions to a great value, which he enjoyed but a very short time, after the prelate's death, departing this life on the 6th day of December 1196, having bequeathed all his effects to the establishment of the cell of Finchale. The third named Hugh, the father's favourite, through the influence of the prelate, and at a great expence, was made chancellor to Lewis VII. king of France. The bishop, with much sorrow, saw him die before him, at Auckland, in the year 1189; He was interred in the new gallilee erected by his father, near the shrine of St Bede. Hoveden calls him the earl of Bar upon the Seine.*

There appears no difficulty in connecting the striking lines of this prelate's character.† Vanity was his predominant passion, and presided over all his actions. His ambition was unbounded, and his arrogance could brook no contradiction. He was jealous of indignities which his insolence brought upon him, and was unremitting in his indignation where his pride was wounded. To gratify his prevailing bent, he was guilty of vile extortions, and grievous oppressions on his people. His magnificent works were monuments which pride raised to his memory, inscribed with the perpetuation of those sins he committed on his distressed province. In early life he was esteemed a man of wit, subtlety of genius, and great perspicuity: but, in his latter years, in the bargains he would have made with the king, he appears under that blindness the hermit Godric predicted. His magnificence was princely; and his carriage held that countenance of dignity that demanded obeisance. In spite of his errors, truth will deliver to posterity this due distinction, that he was, in that age, a very great man.‡

the inside of the cover, it has the following title;—*BOLDON BOOK. Inquisitio de Consuetudinibus et Redditibus totius Episcopatus Dunelmensis, facta per Hugonem Episcopum anno* 1183—Extracts whereof will be given, under the several parishes, in the second volume.

In Rymer's Fœdra we find, A. D. 1191, 6th K. Rich. I. the king's mandate to the bishop to conduct William king of Scotland from Northumberland to Tees, v. i. p. 87.

Robert de Stoketon sailed the bishop of Durham's great ship to London. Temp. K. Rich. I.—Hist. of Exchequer, p 495. c. i. g.

* Gul. Neubr. lib. v. † Geof. de Cold.—Ang. Sac. p. 724.

‡ Hugh Pudsey, bishop;—Elected 15th Cal. Feb. 1152; consecrated 20th December 1153; ob. 3rd March 1194.

On the bishop's decease, Hugh Bardolph seized the Castle of Durham for the king. The burgesses deposited the keys of their city at the shrine of St. Cuthbert. Bardolph's soldiers petitioned the convent they should be delivered to their hands, protesting they would hold them for the protection of the rights and liberties of the convent and See. This being refused, one of them in chief command, Ranulph de Grisby had the audacity to enter the church, and take the keys from the feretory: But the sacrilege was not committed with impunity, the perpetrator suffering a miserable death. The possessions of the bishopric were first in the custody of Hugh Bardolph, afterwards of the archdeacon of Hereford, and, lastly, of Richard Briwerre, and Gilbert the son of Renfride.*

During the vacancy of the See, which continued near two years, the convent, as well as the people of the palatinate, suffered much injury and oppression from the officers of the crown.* It doth not appear what occasioned a delay in the election of a bishop: Geof. of Coldingham says, messengers from the convent were sent to consult the king's pleasure touching the person they should nominate, when

PHILIP DE POICTEU,

a native of Aquitaine, one of the king's privy councellors, and chief favourites, was at length pointed out to them as a person most agreeable to the sovereign; on whose election the monks were promised the royal protection, and full confirmation of the liberties they held in former reigns. He was elected at Northallerton (according to Wharton) by the monks assembled there, in the presence of Hubert archbishop of Canterbury, in the month of November 1195; but Geof. of Coldingham says, he was elected in the chapter-house on the 11th January. Those various dates are easily reconciled by a supposition, that, in full chapter, the act at Northallerton was confirmed at Durham, and then recorded there. He was ordained priest by Henry bishop of Landaff at

Officers of the See during the Time of Bishop Pudsey.

High Sheriff,—Gilbert Haget.
Ra Haget; oc, between 1159 and 1181.
Reginald Ganaut, alias Ganaund, sec.——Grey's MS.

Constable of the Castle,—Roger de Coniers, third of that name, knight, lord of Socburn, was appointed constable about 1177 by Hen. II.—K. Hen. II. dedit vel confirmavit constabulatum Dunelmensem Rogero d' Conier knight of Socburn.——Lel. Col. v. i. p. 134.

Seneschal,—Henricus, who was a witness with John Archid. Ra. Ageit, Alex. Helton, and others, to bishop Hugh's grant to Reginald and Henry, monks of Durham living at Finchale, circ, 1180. Ra. de Cestre. *Randal's MSS.*

* Gualter de Ferlington custos Dunelm castri.—Hen. Ferlington custos castelli de Norham, quæ sumpta in manus regis Hugonem Bardulphum custodem habebant.—Ex lib. annalium, &c—Lel. Col. v. i. p. 292.

Durham, the 15th day of June 1196, and was consecrated at Rome by pope Celestine, in the Lateran church, on the 20th of April 1197. Geof. of Coldingham postpones his consecration to the 12th kal. May 1198.*

It is requisite, that, in this place, some farther attention should be paid to the coinage of money, which was permitted in this See and practised in the time of bishop Galfrid, of which notice has already been taken. The privilege, in the present bishop's time was revived, or re-granted by the king. According to Mr Noble, "When K. Stephen, and prince Henry of Anjou, afterwards our "king Henry II. in 1153, came to a compromise, it was agreed "that the king should be reinstated in all the regalities usurped, "in all different parts, by his nobles; † by which no doubt was "particularly meant the coining of money. It is observable, that "there is nothing here said of the ecclesiastics, many of whom "were equally culpable: Probably Henry was fearful of offending "them, as they had been his warmest partizans; and it would "have been difficult to have settled their respective claims, as some "of them had, before Stephen's reign, possessed a mint, and others "that king permitted by grants to coin money, as was the case "probably with these bishops of Durham. It was therefore "a difficult point to go upon, as it would have been disgraceful "to Stephen to have annulled the grants he had given. But it "was very different with respect to the nobles, who could have "no pretensions to the right of coining money.‡

"This abuse, however, does not appear to have been redressed "not even of the nobles, during the reign of king Stephen. But

* Ang. Sac. p. 726.

† Probably this was at the desire of Prince Henry, as he seems early to have directed his attention to the purity and elegance of his money; for when he came over to England in an. 1149, he brought a minter with him who excelled in the art of coining, and whose money was superior to any before that time. This coinage was called the duke's money. Henry then saw with concern the usurpations of the nobles and prelates, particularly in coining their own money, and did all in his power to check it. After this agreement, Stephen and Henry's effigies appear together upon the English money, as Stephen and his son Eustace's did before. These types probably were copied from the coins of the eastern emperors.—Vide Stow, from Hoveden, p. 146, 147. Noble's Notes, p. 6.

‡ The only coin, either of the barons or prelates, which we know of, is one of Henry bishop of Winchester, brother to Stephen. On the obverse, is the king's effigy, with a crosier, instead of a sceptre, in his hand, and with his own name and title, and the bishop's on the reverse. Whether the money of the other bishops was any ways like this it is impossible to ascertain. Mr Colebrook gave a coin, with the name of Rodbertus to Robert earl of Gloucester. But Mr Pegge, who is universally allowed to be the most skillful of our antiquaries, has refuted that gentleman's arguments, and replaced it to Robert duke of Normandy, son of the Conqueror; so that nothing can be known of what type the coins of the nobles were.——Vide Mr Pegge on the name of Rodbertus.—Archaeol. vol. v. p. 390.—Mr Noble's notes to p. 7.

Rex Ric'us I. concessit Phillipi Pictaviensi ep. Dun. monet in urbe Dunelm. Cudendi licentiam. A. D.——Mickleton's MSS. 1196.

"Henry the Second, when he acceded, put a stop to these encroachments of both barons and prelates: He still, however, permitted certain cities and abbies, to have mints; but probably these were such as had that right prior to Stephen's reign as it is most likely, that, by this regulation, he placed the mints in the same state as they were in during the reign of his grandfather king Henry I. and consequently the bishops of Durham would be dispossessd of theirs; for, though Stephen might give them a charter for that purpose, yet it would undoubtedly be annulled by Henry, as given by a person not legally authorised to grant such privilege. Mr Leake's account of Henry's proceedings with respect to the mints, in the beginning of his reign in some measure confirms what has been said above. The king says he, seems to have been the first, from the Conquest, that made any considerable regulations in money affairs. He suppressed the mints, which every earl and baron had in king Stephen's time; altered the coin, which was corrupted by counterfeiters, by the iraporites or usurers, who were grievously punished. He also granted liberty of coining to certain cities and abbies, allowing them one staple, and two punchions at a rate, with certain restrictions.*

"These charter mints remained, upon this footing no doubt, during his reign, but we are certain that in that of his successor, Richard the First, the episcopal mint of Durham was revived; for Stow, from Hoveden, writes, that in the year 1196, king Richard granted licence unto Philip his chaplain, late made bishop of Durham, to coyne money in the city of Durham, which liberty none of his predecessors had enjoyed for long time before.† This long time will be found, perhaps, to be forty-two years, viz. from the death of king Stephen to the eighth year of K. Richard I. The learned Mr Pegge is of the same opinion. Probably Richard, who was often greatly distressed for money, received a gratuity for the renewal of this privilege, as he had for many others granted by him to his nobles and prelates.

"However, though the bishop and his successors might coin money after this time, yet it is not to be supposed that they, or any of the other bishops, who had the same powers, affected any peculiar distinctions upon their money from that which was coined in the royal mints; for Stow writes, that in the year 1247, the coin was so sore clipped, that it was thought good to change the same, and to make it baser. Whereupon stamps were given, of a new incision or cut; and being sent to the abbey of

* Leake's Account Eng. Money, p. 53. † Stow's Chron. p. 162.—Pegge, p. 84.

"Bury in Suffolk, to Canterbury, Divelen, and other places, "forbidding to use any other other stamp than was used in the "exchange or mint at London, all the old stamps were called in. "This plainly evinces, that there was, at that time, but one type "used throughout the kingdom."

The officers of the mints were called *moneyours*, *essayers*, and *custodes cuneorum*. These mints and officers were under the supervisal and direction of the chief justicier, or the treasurer and barons of the exchequer. Unhappy quarrels soon prevailed, and long subsisted between the bishop and the convent, being greatly fomented by the archdeacon, who was the prelate's nephew, by whom it was insinuated, that the monks, in many instances, had usurped an authority they never before exercised, and were encroaching daily on the prelate's prerogative; which at length grew up to an implacable animosity, and acts of great violence ensued. Wharton has repeated a long detail of those contentions, from Geoffrey de Coldingham, which are not momentous enough to merit a prolix rehearsal. The bishop carried his persecution to very outrageous heights. He beset the church with troops, commanding fire and smoke to be put to the windows and doors: He prohibited the carrying provisions into the convent; blocked up the passages to the mill; broke down the fishery banks; overturned the furnace or oven in Elvet; destroyed St Godric's fish-dam at Finchale and guarded the north gates of the castle, so that no one could pass or repass. He cut off the communication of water from the castle fountain, and destroyed the cattle of the convent. He excommunicated the prior and the whole chapter for refusing him admittance to the chapter-house at the time of their convention. With a tumultuous mob he interrupted them in the holy offices on the festival of St Cuthbert; broke in upon the altar; laid impious hands on the sacred furniture, dragging forth the prior and monks ministring there. Geoffrey says, so infamous a transaction had not been known in the annals of the church; except the assassination of Becket. Even to repeat so much is irksome, and wounds the ear. This author is certainly partial in saying the bishop's wrath was excited by the archdeacon's whispers; for it is improbable such acts of violence could take place without some grounds and real causes. Perhaps the convent were taking unwarrantable measures to extend their own power and authority. It is impossible for a dispassionate reader to conceive any prelate would break out into such inordinate acts of violence, without some very striking injury; but what it was lies undiscovered.*

On the appeal of the archbishop of Roan to Rome, touching the fortification of Andeli, our bishop was joined in commission

* Ang. Sac. p. 727.

with William bishop of Ely, and the bishop of Lisieux, to justify king Richard's procedure before the pope.*

Not long after he was settled in his See, the king received a fatal wound by an arrow at the siege of a castle in le Limosin, which he beset under an oppressive claim of a treasure found in that part of his dominions. The events of this warlike prince's life were various; his active spirit made him eager for feats of arms and his whole life was embroiled in warfare. In the account of bishop Pudsey's life, his unwarrantable modes of extorting money was sufficiently shewn at his outset on the crusade; and the vicissitude of circumstances which ensued, all required vast supplies, which were extorted from his subjects by innumerable acts of oppression. When he came to the crown he made a tremendous acknowledgment of his being accessary to the death of his father, and Providence seems to have held a vindictive eye over him through every circumstance of his life; for whilst he was vainly spending the best blood and treasures of England, in the frenzy of a crusade, his country was involved in anarchy by the arrogance of an imperious regent, who usurped an authority that did not even appertain to his sovereign. On his return from Syria, he was trepanned and put in bonds by a banditti of robbers who, contrary to every law human and divine, disregarded not only his royal dignity, but the common principles of civilized nations, and held him a prisoner. If the ferocity of the natives of this island, who disgraced humanity by the ignominious manner in which king William of Scotland was brought before king Richard, is a subject of lamentation, it is equally such to see the king of England, by the command of the emperor, brought before an assembly of the states at Haguenaw, by miscreants who were in the most abject bonds of vassalage. The deputies sent by the queen and council to acquaint the king with what passed in his dominions, met in the road the intrepid prince, to whose sword Palestine so lately trembled, ignominiously conducted, like the meanest criminal, in wretched apparel, crouching on a mule and bound hand and foot. The melancholy sight drew tears from their astonished eyes; and as they wept, he lifted up his shackled hand and dropt a tear. The griefs of imprisonment were rendered still more pungent by the treason and intrigues of his brother. At length, for a ransom of 100,000 marks, he was set at liberty. Soon after his return, he confiscated his brother's lands, and declared him incapable of succeeding to the throne. Having settled all commotions in England, he speeded to take his revenge on the king of France, to whose intrigues were justly attributed much of

* Rymer's Fœdera, v. i. p. 96.

the sorrows of his captivity. This new kindled war brought nothing but encreased sorrows to both countries. Neither sovereign reaped any material advantage. A truce succeeded to five years' bloodshed, in which interval the king lost his life, as before remarked. Before his death, he was reconciled to his brother, and favoured him by his will. His body was buried at the foot of his father's tomb, at Fontevravd, in token of his contrition for the grief he had occasioned him. His heart was carried to Roan, in testimony of his love to the Normans; and his bowels to Poictiers, in contempt of their disloyalty. His valour was admired by the whole world, and his conduct in war was judicious and generous. He supported great magnificence, but it was by extortion, and the oppression of his subjects; and his splendor was clouded by their tears. His pride held him above mankind: The highest he regarded with contempt, and the lowest he spurned as slaves. His lasciviousness was disgraceful to humanity, and he was reproached to his face with unnatural crimes.* He reigned ten years, of which he was only eight months in England. He was the first sovereign of this country who bore in his shield three lions passant; and before whose time seals, with any distinct impression, were not used by our kings.

The accession of king John was immediately succeeded by the king of Scotland's claim of Northumberland; on which Eustace de Vesey was commissioned to assure him, that, immediately on king John's return from Normandy, he should have full satisfaction in his demands. Soon after the coronation, king William of Scotland was summoned to attend the sovereign at Nottingham; afterwards he was summoned to attend at York; to both which places he only sent commissioners: But, on the third summons, he attended at Lincoln. The bishop of Durham received him on the frontier, and escorted him through his territories; at the boundary of which he was received by the sheriff and barons of Yorkshire. By the convention of king Richard, the kings of Scotland were granted, in their passage to and from the English court, a daily pension of money, to be paid by the sheriffs of each county through which they travelled; together with a portion of bread, wine, candles, and spices. The bishop of Durham, having all temporal authority within his jurisdiction, was bound to give personal attendance in his palatinate, as the sheriffs of other liberties. The delegates sent by the king on this last summons, were Philip bishop of

* It is said, that being one day admonished by Fulk, curate of Nevilly, a man famous for his zeal, to throw off those wicked habits which were commonly called his *three daughters*, he replied jestingly, that it was his design; and to that end he resolved to give the first *(pride)* to the templars, the second *(avarice)* to the monks, and the third *(lust)* to the bishops.——Hoveden, p. 789.

Durham, Roger Bigot earl of Norfolk, Henry de Bohun earl of Hereford, David earl of Huntingdon, Roger de Lacy constable of Chester, Eustace de Vesey, Robert de Ros, and Robert Fitz-Roger, sheriff of Northumberland.*

In the year 1199, there happened a remarkable inundation, which carried away Berwick-Bridge. Earl Patric, then governor and justiciary of Scotland, in obedience to his sovereign's orders, set about rebuilding it; but was discharged by Philip bishop of Durham from abutting it on any ground of his palatinate; without which it was impossible to restore the bridge there. At last, by the intercession of William de Stuteville, the bishop gave his consent, saving to his See the terms stipulated in the convention made between the king of Scotland and his predecessor, bishop Pudsey.†

"In the 6th year of king John, the bishop, prior, and chapter "of Durham, the dean and chapter of York, with sundry other "deans and chapters, abbots and priors, within the province of "York, to prevent the unjust, arbitrary excommunications, sus-"pensions, and interdicts, of Geoffrey archbishop of York, "against their own persons, tenants, lands, and possessions, by "reason of some differences betwixt them concerning their ju-"risdictions and ecclesiastical privileges, which they complained "the archbishop invaded; appearing before the king at York, "did there, in the king's own presence, appeal him before the "apostolic See, prefixing a certain day: To which the king, by "his letters patent, gave his royal testimony and assent, they "not daring to appeal without his licence."‡

It appears that our bishop was one of those counsellors who

* Hoveden. † Ibid. p. 796.

‡ Prynn's Chron. Vindication, v. ii. printed at London 1666, fo. 242.

Pat. 6. John. regis. M. 3. A. D. 1205.

Rex, &c. omnibus, &c. Noverit universitas vestra, quod cum dominus Phil. Dunelmensis episcopus, Decanus & Capitulum sanctæ Mariæ Eborac. de Seleby, de Witeby, de Fontibus, de Blithe, de novo Burgo, de Kirkham, de Marton, de Beolton, de Sancto Oswaldo priores, coram nobis apud Eboracum essent constituti, in presentia nostra proposuerunt, quod in omnibus erant parati Domino archiepiscopo Eborac.—Canonicam obedientiam exhibere, salva reverentia quam debent. Romanæ ecclesiæ, et salvas privilegiis suis et libertatibus ecclesiarum suarum. Ne autem prædictus archiepiscopus motu proprie voluntatis in terram nostram sive homines nostros, sive in ipsos vel homines suos, vel possessiones eorum aliquam sententiam excommunicationis suspensionis vel interdicti poneret, coram nobis ad sedem apostolicam appellarunt, terminum in octavis Sancti Andreæ appellationi prosequandæ præsigentes. Et quia appellatio illa coram nobis interposita, eidem per litteras nostras testimonium perhibemus. Acta sunt ista apud Eborum, sexto die Marcii, anno, &c. Sexto.

* The bishop of Durham being formerly exempted by pope Clement's bull from obedience to him, to whom pope Celestine with a NON OBSTINATE, by another bull, commanded him to submit.——Chron. Johannis Brompton. Col. 1224.

induced the king to be guilty of innumerable severities upon the convent of Canterbury, touching their election of a metropolitan, and in that matter, to shew a public contempt of the authority of the See of Rome; which in consequence brought on an interdict and excommunication against the king and his abettors, in which this prelate was involved, together with the bishops of Winchester and Norwich. Under this unhappy circumstance Philip died on the 22nd day of April 1208. His contentions with his convent produced a melancholy contempt to his memory, which was publicly shewn at his death; for, being excommunicate, they would not suffer his remains to be interred within the consecrated precincts; and he was buried in an obscure grave by laymen, without any religious ceremony.

During this episcopacy, John, in the first year of his* reign (1200), confirmed to the See, the earldom or manor of Sadberge with the wapentake thereof, knights-fees' liberties, free customs, and pleas of the crown thereto appertaining, in as full a manner as his royal predecessor held the same in his own proper hands, and the bishop held and enjoyed his other lands and military-fees. He also confirmed to the same bishop the vills of Cliffe and Crake in Yorkshire, with the woods thereto belonging, exempt from the jurisdiction of the king's forests, and authority of the officers thereof. And also granted to the bishop, for his men, lands and fees in Yorkshire and Lincolnshire; an exemption from suits in the counties and wapentakes; aids of sheriffdoms and bailiwics; and all pleas appertaining to the office of sheriffs and bailiffs there. He also granted a yearly fair to be held at the bishop's manors of Hoveden and Allerton in Yorkshire.†

The bishop, during his episcopacy, did many acts of royal jurisdiction. He granted lands at Bedburn-mouth to Lucas de

Geoffrey de Coldingham.—Angl. Sac. p. 729.

† Johannes D. G. &c. Sciatis nos concessisse & presenti carta confirmasse Deo & Beato Cuthberto & ecclesiæ Dunelm. & Phillipo Dunelm. episc. & successoribus suis in perpetuum manerium de Sadburga in wapentagiis & feodis militum & cum omnibus pert', &c. cum saca & soca & toll & team & infangeneth, & cum omnibus libertatibus & liberis consuetudinibus & cum placitis ad coronam regiam pertinentibus, sicut rex Richardus frater noster in propria manu sua habeant & sicut idem episc. melius & liberius habet & tenet alias terras suas, & feoda militum in episcopatu suo, &c. &c.

23d Feb. A° 8° 1207, grants, that the bishop and his men, lands and fees in Yorkshire and Lincolnshire, be quit "de sectis comitatum & wapentachorum, et de auxiliis vic. & balliv. suorum, et de om'ibus placitis & querelis quæ ad vic. & ballivos suos pertinent."——Extract from Record at Durham.

A. D. 1198. Hoc tempore ponte de Berwick inundatione asportato, Philippus episcopus prohibuit ne pontem re ædificarent. Nam altera pars ripæ terra erat Dunelmensis episcopi. Tandem tamen pons refectus rogante Gul. de Stoteville.

A. D. 1200. Joannes rex dedit Phillippo Dunelmen. episcopo licentiam habendi singulis annis Nundinas apud Hovedune & Alvertune.——Ex lib. annalium, &c. Lcl. Col. v. i. p. 293.

Richford in fee, by metes and bounds, rendering to him, and his successors, a pair of gilded spurs, or 6d. yearly, in lieu of all services; with liberty to the grantee of taking fuel-wood, and timber for building, under the view of the forester; together with pannage for his hogs in the woods; saving to the See the right of the forests.* He confirmed his predecessor's grants in Cornsey and Hedley, which, in the year 1200, also received the royal confirmation. He granted lands at Thorp-theules to Stephen de Elwick by metes and bounds, under the payment of a pound of cumin-seed yearly, and performance of foreign service.† These several lands, with others, were afterwards granted to the priory of Finchale. The unhappy disagreement between the bishop and the convent prevented his adding to the ornaments of the church or encreasing its territories.‡

It is very difficult to conceive this prelate's character from the short anecdotes historians have given of him. His contention with the monks, and his attachment to king John, plainly evince his being a weak man, of a froward and obstinate disposition.—To point out the vices of the age, it may be necessary to notice some canons, a few years preceding this period, for the regulation of the clergy. At a synod held at Westminster, by the eighth canon the clergy were prohibited the diversion of hunting; and by the twelfth, were restrained from practising the profession of arms. At the synod of Canterbury, A. D. 1175, the clergy were

* For the substance of this grant, vide vol. ii. Bedburn.

† The like for this grant, vide ibid. Thorp-theules.

‡ Godwin says, he took a pilgrimage to Compostella in Spain, A. D. 1200; but I do not find this supported by any of the cotemporary historians.

The See vacant after the death of bishop Pudsey.

Guardian,—Philip de Hulk, who was a witness with Henry Pudsey, Jordan Escolland, Tho. de Amundeville, Osbert de Laton, and others, to a grant of bishop Hugh's to Walter de Cadoma (of Caer) and Robert. son of Roger, nephews of Simon the chamberlain (Camerarius).——Grey's MSS.

Constable of the Castle,—Hugh Bardolf, high sheriff of Northumberland, appointed by K. Richard I. Vide Dugdale's Bar. v. i. p. 685.

Philip of Pictavia, alias de Poicteu, bishop;—Elected in November, alias 30th December 1195; Consecrated 12th May 1197; ob. 22d April 1208.——King's tallager. Sent to be present at the election of the Roman emperor, Otho, king John's nephew.——Dugd Bar. v. i. p. 63.

Officers of the See during the Time of this Bishop.

High Sheriff,—Leonius de Heriz, or Hariz, who was a witness with Americk, the archdeacon, to a grant of bishop Philip's, A. D. 1200.

——Regin. Venar, or Venuer, (the Hunter). He was witness to a confirmation by bishop Philip of bishop Hugh's grant to W. de Cadoma of Cornsey and Hedley with Bertram prior of Durham, Americk the archdeacon, Hen. de Ferlington, Pet. Harpin, and others.

——Galfridus Sarescut. I find him a witness with Americk the archdeacon, and Bertram prior of Durham, Geoffery de Coisners, W. de Laton, Simon de Ferlington, W. Briton, and others, to a grant of bishop Philip's to Lucas de Richford.

Constable of the Castle,——Walter de Ferlington.——Randal's MSS.

forbid appearing at drinking entertainments, taverns, and public houses; not to interfere in trials where life or limb was in judgment; not to wear long hair, nor to exercise merchandise, or take farms; and not to appear in the figure of military men. Such dissipations had crept in among the clergy, and such deviations from the dignity of the ecclesiastical function.

After a year was elapsed from the death of the bishop, the pope sent his mandatory letters to the prior and monks, requiring them to elect a prelate. This threw them into much perplexity; on the one hand dreading the austerity of the king; on the other the frown of the apostolical See. The churches of England every where laboured under grevious oppressions and injuries, and the See of Durham was not free from the exactions of the crown, notwithstanding the exemptions granted by former sovereigns, of which in times of such public calamity, the people of St Cuthbert's territories had no means of availing themselves. In the midst of these troubles, prior Bertram departed this life. On this occasion the convent found favour with the king, though little hoped for, who granted them his consent freely to chuse a person most agreeable to themselves: on which they elected William, a native of the city of Durham.*

During this period, the reconciliation took place between the pope and king John.

The prior and monks, previous to that event, had proceeded to elect a bishop, and accordingly chose Richard dean of Salisbury, but, for several months, kept the whole transaction secret, through fear of offending the king, as is alledged, whose opinion or pleasure they had not consulted. At length they discovered what they had done to the pope's legate in England, and the archbishop of Canterbury.† Soon afterwards the legate came to Durham to enquire into the transaction, when the convent produced the pope's letters mandatory, and discovered every thing they had done in pursuance thereof. The legate declared they had elected a very proper and learned person, but that the king ought to have assented thereto: That now the pope and their sovereign were unanimous, to offend one was to incur the displeasure of both; on which he warned them of the afflictions they might bring on themselves. He then produced letters from the holy See, commanding him, as the convent had been so dilatory in electing their prelate, to deprive them now of that power, giving him authority, in the name of the apostolical See, to appoint a proper person to the vacant bishopric; whereupon he nominated John bishop of Norwich; and in case of their diffidence, he was enjoined to pronounce an anathema. The convent found them-

* Angl. Sac. p. 730. † Ibid.

selves involved in an embarrassment from which they knew not how to be extricated, or to which of the two evils to incline: either to confirm the legate's appointment, in which they should sin against conscience, or refuse the same, and incur the solemn sentence which the legate was directed to pronounce. At length they consented to submit the whole to the pope's will; to which the legate replied, what he had already done was by that authority, which rendered all further applications to the holy See unnecessary. Deliberating a short time on the matter, the convent assented to the translation of the bishop of Norwich, which took place on the 16th day of February 1214. Accordingly the pope, in the following month of October, annulled the election of the dean of Salisbury, and confirmed John Grey bishop of Norwich in this translation; but previous to the day of confirmation, he departed this life.*

A contention now arose between the convent and the king, touching the next election; but they, in maintenance of their ancient privilege, elected Morgan the king's brother, as also brother of Galfrid archbishop of York, who was then prior of Beverley. He applied to Rome for consecration, but the king prevented it by discovering his spurious birth, king Henry having begot him on the wife of Ralph Bloeth, a knight. The pope would have dispensed with this disqualification, if the pretension of being a king's son was disclaimed, and he would insist on his birth as Bloeth's son: But Morgan declared his being of royal issue was to him the dearest honour upon earth, which he would not disclaim for any preferment; and therefore the election was pronounced void.†

From the foregoing circumstances, it appears, a very long vacancy happened in the See, viz. from the death of Philip de Poicteu who, according to the best authorities, died in the beginning of 1208, to the time that Richard dean of Salisbury was elected, which, as Wharton judiciously conceives, happened five years after bishop Philip's death, and not five months, as Geoffrey of Coldingham alledges; and, his election being superseded, that of John Grey bishop of Norwich happened in the beginning of the year 1214: from whence to the time of electing Morgan prior of Beverley, who was disqualified by the operation of the canons against illegitimate children, and the election of Richard de Marisco, which Wharton, with clear argument and many proofs, dates about the 6th day of December 1217, is a period of nine years and a half.‡

Wharton observes, that the history of the church in this period is perplexed and uncertain; and no wonder when it is considered

* Geof. de Cold.—Angl. Sac. p. 731. † Ibid. p. 732. ‡ Ibid. p. 723.

what disorder and confusion took place in the state. In the year 1209, the king, with a powerful army, was in the north to demand satisfaction in Scotland for various insults offered his crown, and injuries done to his people. He lay at Norham with his troops, whilst the Scottish king assembled his army at Roxburgh; but, by the interposition of the nobles of both nations, hostilities were suspended. Eustace de Vesey married Margaret the king of Scotland's daughter, and Robert de Ros was his son-in-law, the most powerful barons in Northumberland: Add to their interest that of Patrick earl of Dunbar, who married Ada, another daughter of that sovereign. Under such influence, the Scottish nation were induced to terms of peace. The armies were disbanded, and a conference was agreed upon to be held at Newcastle; but the king of Scotland falling sick, a truce only took place, which was succeeded by a renewal of warlike preparations, and the king of England again brought an army into the North, as far as Bambrough, which Fordun describes to be very formidable, their being embodied therewith 13,000 Welsh troops, 1500 English knights, and 7000 cross-bowmen. But though the king of Scotland levied a great army at Melros and shewed much inclination for war, a convention took place, at the intercession of the great men of both nations, at Norham, where a treaty of peace was concluded. Besides these troubles, John laboured under the pope's interdict and excommunication. A gift of his crown was made by the See of Rome to Lewis of France; and an invasion from the powers of Europe, in a crusade against his dominions, by virtue of the same authority, was prepared. Add to these, a conspiracy formed against him by his subjects, after receiving an absolution from their oath of allegiance. Eustace de Vesey, and Robert Fitz-Water, were chiefs in this design; on discovery of which, they fled the kingdom, and Vesey's Castle of Alnwick, at the king's command, was dismantled. Those troubles did not terminate on the king's submission, and making peace with the See of Rome, which took place in the year 1213. The preparations for an invasion from France still proceeded; no terms of reconciliation with that kingdom being concluded until the autumn of the year 1214. No sooner were the foreign alarms subsided, than Cardinal Langton, now admitted to the See of Canterbury, set on foot that glorious purpose which renders his memory amiable to every English mind, and his name immortal in the annals of his country. The weakness of a prince has, in innumerable instances, been attended with various efforts to extend the royal prerogative, to promote absolute monarchy, and enslave the people. John's indolence, or imbecility of mind, had already occasioned the loss of that rich and extensive territory which his ancestors

possessed on the continent. His folly was expressed in various incidents in the conduct of his government at home; and, as effeminate cowardice is always attended with abject cruelty, he had displayed various atrocious acts; in the death of his nephew and captive, Arthur duke of Bretaigne, whose blood was on his own hand; the perpetual imprisonment of his niece Eleanor of Bretaigne; putting away Avisa of Gloucester; the sacrifice of the Welsh hostages, and various meaner instances in the course of his government. He had defiled the bed of many of his barons, and debauched their daughters; had incroached on the privileges of the church; and, with unremitting severity, loaded the subject with the heaviest exactions. He laid the fences of his forests open, that his beasts of chace might be let in upon every private estate. Established laws were no restraint to his desires; and his will was the only rule by which his actions were maintained. His opposition to the pope was not derived from principle, but pride; and the æra in which he attempted to shake that jurisdiction, sufficiently testified his ignorance and arbitrary mind.—His folly was displayed to the height in the despair he yielded to, mixed with the madness of resentment under the pope's persecution, when he offered to turn Mahometan, and hold his crown of the Turkish empire. John's struggle with the holy See no doubt laid the foundation of succeeding events; but many of the blessings then in the womb of futurity are to be attributed to his folly and want of foresight. His character sufficiently justified the immediate procedures of his people. Cardinal Langton,* actuated by a principle of zeal for his native country, he being by birth an Englishman, and from a desire of restoring the liberty of the subject, raised a storm against the king more formidable than he had hitherto struggled with. He found the exigency of the times required the barons should be roused from the lethargy in which they bent their heads to the impetuous sovereign; that the charter of Henry I. in which their liberties were protected, should be held forth to the people, that its infringements might be redressed, and its powers established. He called upon them, in memory of their ancestors, to attend to the injuries already prepared for them; and, in the name of posterity, animated them to protect from slavery succeeding generations. The English, no longer able to support the load of their encreasing oppressions and injuries, and fired with

* As nothing was more opposite to the barons' design of recovering their ancient privileges, than the vassalage to which John had subjected the kingdom, Cardinal Langton solemnly protested against it, and laid his protestation upon the altar. Pope Innocent having notice of Langton's protestation, was extremely incensed that a cardinal should act so directly contrary to the interests of the Holy See. He durst not however fall upon him, for fear of putting the whole kingdom in commotion, and inducing the English to join with Langton in defence of their liberties. Rapin, p. 274.

the love of the country, with a noble exertion, glorious in history, and stamped on the name of England with immortal honour, in the year 1215, obtained from the trembling and reluctant tyrant at Runnemede, Magna Charta, and the charter of the forests, supported by commissioners, who should restrain regal jurisdiction within the prescribed limits. The interposition of the pope, who now as abjectly served his basest purposes, as before he opposed with spirit his malignity and tyranny, did not avail. The struggle became more ardent; the overstretched powers of Rome, in this instance, first shook her authority here. The king, in disappointed pride, reflected, under an ignominious blush, on the good act he had involuntarily performed. He raged with vexation and wrath, and determined to remove, even with the ruthless hands of cruelty, warfare, and destruction, the blessing he had bestowed upon his people. He brought in an army of foreign auxiliaries, who were invited over to take for their reward what their arms should seize. He made his progress to the north, and desolation marked his steps. The country smoked in ashes, and the soil was stained with the bloody marks of brutal ferocity and implacable wrath. The territories of this See were not spared; the abbey of Coldingham was plundered, and the town of Berwick burnt; the tyrant disgracing royalty by putting the firebrand to the very house where he had been hospitably lodged. The dismay arising from these cruel devastations occasioned a desperate measure, the calling in aid from France, and, as some authors say, offering the crown to Lewis. Whilst John on one hand was wasting the possessions of his adverse barons, Alexander king of Scotland, with a large army, added to the misery of the people, by committing equal devastations on the lands of the king's adherents. Hugh de Baliol and Philip de Ulcotes were John's commissioners for governing the territory between Tweed and Tees and for that purpose retained a powerful force. This occasioned the Scottish army, as they marched through the county of Durham, to come before the Castle of Barnard, which then belonged to Hugh Baliol. Meditating an attack by storm, the king of Scotland and Eustace de Vesey went to reconoitre the place; when a bowman from one of the out-posts shot a fatal shaft, which slew Eustace on the spot. Alexander made a progress as far as Dover where Lewis of France lay, now exacting the homage of the English barons as their sovereign. Such were the dreadful vicissitudes this nation was decreed to submit to: But Providence, in the interval, snatched off the tyrant, then resting from his horrid operations at the Castle of Newark.

The accession of Henry the Third, though little more than nine years of age, (an event which took place on the nineteenth

day of October 1216,) made a happy change in the affairs of England, under the regency of William Mareschal earl of Pembroke, a man of great fidelity, wisdom and courage. A defection had arisen among the English barons, who were disgusted with Lewis's arrogance and imprudent measures; and their affections bending towards their natural prince, a breach soon ensued, which brought on a battle, in which Lewis's army was totally defeated near Lincoln, in the month of May 1217. This event was followed by the destruction of a large fleet bringing over reinforcements. The consequence was, that Lewis returned to France, and made a total renunciation of all claim to this kingdom.

So much was necessary to shew, that the long vacancy of the See and the confusion and uncertainty of the history of this province were the natural consequences of the distraction of the state. So that it is probable, according to Wharton, our bishop's consecration did not take place till after Henry the Third's accession, and that it happened in the year 1217. In what manner the revenue was applied during this period there is no account: But it is reasonable to presume, that whilst John was making such enormous demands from his barons and clergy as a seventh of their moveables, the produce of this rich See, during nine years' vacancy, would not be a neglected object.

Richard de Marisco occurs, in the year 1211, as chancellor of England.* A charter of John's, noted by Prynn, † dated in October 1213, is expressed to be granted *per manum Ricardi de Marescis.* By the rolls of chancery it is shewn, that Richard de Marisco, archdeacon of Richmond and Northumberland, resigned the seals to the king at Ospreng. He afterwards had them restored; and a charter, dated 22d November 1214, is expressed to be *per manum Ricardi de Marisco cancellarii nostri, &c.* ‡— Richard dean of Salisbury was elected bishop by the convent, as Geoffrey of Coldingham says five months before the pope's legate dictated to them the election of John bishop of Norwich.— This transaction is dated on the 16th of February 1214, grounded on the legate's letter to the pope, ‖ dated the 24th of that month. On the 22d day of May 1214, the king recommended Richard de Marisco to the chapter of Winchester, and, on the 28th day of June, he was elected bishop of that See, under a false report that their prelate Peter was dead. On the 14th of the same month, the pope sent letters to the king touching the affair of the See of Durham, wherein a refusal of confirmation of the convent's election was set forth, as being grounded on the circum-

* Floril. † Prynn, v ii. p. 290. ‡ Ibid. v. ii. p. 339. ‖ Ibid. p. v. ii, 353

stance of its having been made without the king's consent. The pope transmitted to the king the convent's certificate of their election, signed by William the prior and forty monks. The matter still remaining in suspense, the monks petitioned the king to give his consent; to which, on the 6th September 1214, he sent his absolute denial, with some reprehensions for their contumacy. John bishop of Norwich died in the month of October following. Morgan was then elected, who, before the conclusion of the same year, was rejected. The Durham annals place this election in 1213; and the same annals set forth, that

RICHARD DE MARISCO

received the bishopric from the nomination of Gualo the legate, about the feast of St Nicholas 1214, and was consecrated by Walter bishop of York 22d June 1215. These are inconsistencies easily refuted; for Walter did not obtain the archbishopric before the month of November in that year, and the 22d day of June did not fall on the Lord's day. Gualo the legate did not arrive in England before the middle of the year 1216, and he retired the middle of the year 1218. Another author says, the bishop was consecrated 24th July 1218: But this assertion is no more plausible than the former, that not being a dominical day. It therefore appears that Richard, at the procuration of Gualo, was elected about the 6th day of December 1217, and was consecrated on the 24th of June 1218. Robert de Graystanes says, he was consecrated about the feast of John the Baptist, and that he died in the 8th year of his episcopacy. It is certain he departed this life on the 1st day of May 1226. M. Paris says, he presided about nine years. If we admit he was elected in 1216, and consecrated 25th June 1217, it would make good his assertion.

Such is the substance of what Wharton says, touching the uncertainty of the time for our bishop's accession to the See, and the examples he brings to fix the date he adopts. Robert de Graystanes says, that, supported by the king's approbation, he gave great molestation to the monks with respect to their rights and liberties, some of which he absolutely took away, and others he altered. There is no evidence in the records of the church of any such matters; but yet it is generally believed he was profuse and magnificent, sparing no expence in the indulgence of his vanities and gratifications; and, in order to maintain his enormous prodigality, he got money by every stratagem his love of pleasure could incite, or invention devise.

Soon after his coming to the See, he was in commission with the archbishop of York to absolve the king of Scotland from the

censures of the See of Rome, for which purpose he was at Berwick on the 1st December 1217.* Three days afterwards, the king's mother also received absolution from the hands of the bishop of Durham.

In the second year of his episcopacy he appeared to have been reconciled to the convent; and, in consequence, confirmed to them, by his charter, all their liberties and privileges, according to the tenor of the charter of their former prelate William the First. He also confirmed and appropriated to them, the churches of Dalton, Aycliff, and Pittington.

He was arbiter in a contest between the abbot and convent of Alnwick, and the vicar of the church of Chatton, touching that vicarage; in which he adjudged, that the collation to that church was in the bishops of Durham. He granted and decreed, that the tithes belonging to that church should be appropriated to the abbey of Alnwick. This instrument is dated at Auckland, in the 8th year of his episcopacy; and it is here noted as the first act of the bishop of Durham which has a confirmation under the seal of the convent.† It is remarkable in another instance, that, before the reign of king John, as Sir Edward Coke observes, none of the kings of England wrote in the plural number, in all their grants writing *Ego* or I; but he assumed the plural number, and all his successors wrote *Nos*, or We. In the instrument now quoted, the bishop assumed the same court stile.—The bishop in some manner (though not noticed in what circumstance by any historian) exceeding the bounds of his jurisdiction, to the prejudice of the rights of the crown, occasioned the king, for redress thereof, to send a prohibition to

* Chron. Melros

† O'ib's Christi fidelib's has l'ras visuris vel audituris Tho. prior & co'ventus Dun eccl'ie s in d'no Nov'it univ'rsitas v'ra nos inspexisse ordinaco'em d'ni Ric'i Dun epi f'c'am sup' eccl'iam de Chatton sub hac forma.

O'ib's, &c sponte & absolute ordinaco'i n're supposuissent quicquid juris habebant in d'ca eccl'ia de Chetton; *now* de, &c Quod collac'o seu donā'co vicarie d'ce ecclie de Chetton nobis et succ. n'ris inp'petuum remanebit, &c. omnes autem deci'as garbaru' ad d'ca'm eccl'iam de Chetton & capellas suas spectantes dictis abbati & có'ventui de Alnewic co'cessimus, &c. confirmamus p'cipiendas & convertendas in proprios in perpetuum. Vicarius, &c p'sonal'r in ead residebit & sustinebit o'ia onera ordinaria d'cæ eccl'iæ, &c. annexa, & mansu' p'd'cum in villa de Dodington, nec non et terram quæ ad eccl'iam p'tinet in villa d'e Chetton habebit in perpetuum.

Et ut, &c. ta' sigillu' n'r'm qua' sigillu' capituli de Alnewic, &c. His testibus magistro Simone cancellario n'ro Willielmo de Arundel, Gaufrido vic'io de Woodhorne, Michaele vic'rio de Benton, Hugone de Gayherst, Stephano de Burton', Rog'o de Lacy, cl'icis n'ris & aliis Dat apud Auclent p'manum Henrici cap'ni n'ri in c'ro S. Mich'is pont. n'ri anno octavo

Nos autem, &c. rata' & grata' h'e'ntes sicut in carta ipsius epi.

In cujus rei testimon' sigillu' cap'li n'ri p'senti scripto fecimus apponi. Teste Capitulo n'ro.—Randal's MSS.

his officers, until the matter could be discussed in the king's court.*

Notwithstanding the favourable appearance of cordiality between the bishop and convent before observed, the dissensions between them increased to a violent degree, so as to occasion various suits at law, touching the bishop's infringements of the rights of the church. The prior and monks, in retaliation of the injuries they sustained from his extravagance and exactions, accused him before the pope, of bloodshed, simony, adultery, sacrilege, rapine, perjury, and various dilapidations. To hear and determine these flagrant charges, the pope appointed the bishops of Salisbury and Ely his delegate judges: But the bishop of Durham disdaining to submit to their determination, appealed to the See of Rome, where, it is alledged, his money prevailed so far as to soften the pope's ire, and protract the suit, in which no definitive sentence was pronounced in his life-time.† The suits depending in the courts of England were prosecuted with the greatest inveteracy. As the bishop was travelling to London in the year 1226, with a troop of lawyers, in all the bitterness of professed litigiousness and prosecution, he took the monastery of Peterborough in his way, where, on the first day of May, he halted, to rest all night, and was found dead in his bed in the morning. He was in high health and vigour when he retired to his chamber, so that his exit was not without suspicion of foul play. It is said he left the See encumbered with a debt of 10,000 marks. He was buried in the chapter-house at Durham, on the 5th day of May, and the following epitaph was written to his memory by one of the monks of that house.

Culmina qui cup=	itis,	laudes pompasque sit=	itis.
Est sedata s=		st me pensare vel=	
Qui populos reg=		memores super omnia s=	
Quod mors imm=		non parcit honore pot=	
Vobis praepos=		similis fueram bene sc=	
Quod sum vos er=		ad me currendo ven=	

* Anno 1224, Rex & Adæ de Jeland, Rogero Dorudre, Jordana Mayron, Willielmo Britton & Roberto de Jeland, sal. præcipimus vobis ne teneatis placitum per aliquod breve venerabilis patria R. Dunholm episcopi cancellarii nostri quali prædecessores sui temporibus prædecessorum nostrorum usi non fuerunt et quale ad ipsum non pertinet, jure episcopatus sui; et ne idem episcopus utatur libertate aliqua in ep'atu suo qua prædec. sui usi non fuerunt temporibus antecessorum nostrorum regum Angliæ, donec discussum fuerit in curia nostra, utrum hujusmodi brevia et libertates pertineant ad ipsum episcopum jure episcopatus sui, vel non. Teste meipso apud Bed xxx die Junii. Adam de Yeland fuit senescallus epi.

† Ang. Sac. p. 734.

His memory was much reflected on by the ecclesiastics of his time. Amongst others, a monk of Lanercost speaks of him to the following purport;—*Anno* 1226 *obiit Ricardus de Marisco episcopus Dunelm. Ille qui tantam tyrannidem ecclesiæ S. Cuthberti intulit, ut jura monachorum & possessiones eorum pro posse suo abstulerit, nec ulli eorum quamdiu vixerit pepercerit. Sed cum audacius eos expugnare disposuit subito e mundo recessit.*

He continued chancellor of England to the time of his death.* It is unnecessary to review the character of this prelate. The accusations of the convent, uncontroverted, leave his memory infamous.†

Sir Henry Spelman mentions a diocesan synod held under our bishop in the year 1220, and inserts the canons at large. The first canon mentions the crimes which make a priest incur suspension, viz. simony; receiving orders from heretics or schismatics under excommunication; pleading at the bar against a person that is tried for his life; debauching of nuns; bigamy; gaining orders surreptitiously, &c.

After the death of Richard de Marisco, the See continued vacant two years and upwards.

The king, under the influence of the earl of Pembroke, gained the esteem of his subjects, and the wise conduct of that minister promised a happy reign, but his death opened a scene of calamities which overwhelmed the land. During the earl's administration, the king swore to maintain the charters granted by his father; but no sooner was that great man removed, than innovations began, and great advances were attempted against the liberty of the subject. The peace which had subsisted some time between England and Scotland, through the pernicious advice of evil ministers, was disturbed, by reviving the claim of sovereignty over Scotland, in which the pope, by fallacious memorials, was induced to take a part, and, by his bull, required the king of Scotland to

* Ang Sac p. 734

† Richard de Marisco, bishop:—Had the royal assent 29th June 1217; consecrated 2d July 1217; ob 1st May 1226

Officers of the See during the time of this bishop.

Temporal Chancellor,—Magist. Symon (perhaps de Ferlington), who was a witness with William de Arundel Geffrey vic of Woodhorn, Michael vic. of Benton, Hugh de Gayherst, Steph de Burton, Roger de Lacy, our (bishop's) clerks, and others, to bishop Richard's ordination of Chatton vicarage, Sept. 30. 1224 "Given at Auclent by the hand of Henry our chap- "lain, on the morrow of St Michael, the 8th of our pontifi- "cate."

Given at Durham, by the hand of Valentine our clerk, 8th kal. Oct (24th Sept) the 2d of our pontificate

Seneschal,—Adam de Yeland, oc. 18th January 1223. Form. A. p. 58.——Randal's MSS.

do the homage demanded by Henry, in order, as is therein alledged, to preserve the tranquility of the kingdoms. The king of Scotland on the other hand, so far from yielding to the claim, sent his ambassadors to Henry to demand delivery of the counties of Northumberland, Westmoreland, and Cumberland, as his right of inheritance. Those matters brought on a conference at Newcastle.* After much altercation, the Scottish king's claim seems to be suspended, or compounded for, by Henry then granting him lands, of eighty marks yearly value, in other parts of England, in order that the northern border might not suffer mutilation.

The king of England's marriage with Eleanor of Provence took place in the beginning of the year 1236, to the solemnization of which the king and queen of Scotland were invited; and, for their safe-conduct, the archbishop of York, the bishop of Durham, William de Vesey, Gilbert de Umfraville, Roger Bertram, John de Veteripont, and John the son of Geoffrey sheriff of York, were appointed escorts. The king's marriage brought him under the influence of a new set of favourites. His weak mind was uncertain and fluctuating: The person whom to-day he caressed, the next received his frown, or was discarded. An inconsistency appeared in his resolutions, which kept the affairs of government in perplexity and confusion. Like the fluctuations and babblings of an idiot's affections, he seldom retained the same opinion two days together, but in the morning was disgusted with the man who, over night, gratified his propensities; and he laughed or frowned with a kind of involuntary impulse, as an infant that caresses and quarrels with its toys. He did homage to the pope, and dreaded his scourge with an abject puerility. He was induced by wicked counsellors (among his foreign connections) to deny the execution of his father's charters; and thence a combustion took place in his realm, which filled the time of our prelate's episcopacy.

The king was desirous that Luke, his chaplain, should succeed to the bishopric of Durham, and, it is said, threatened the monks that if they refused to elect him, they should not have a prelate for seven years.† The convent conceiving him unworthy of so

* Fordun—Chron. Melros. M. Paris says at York.

† A brawling matter befell the same year, A. D. 1228, between the prior and convent of Durham, and K. Hen III upon this occasion. After the death of Richard bishop of Durham, the prior and chapter of the said church came to the king to obtain licence for electing their bishop. The king offered to them one Lucas, a chaplain of his, requiring them instantly to elect him their bishop. To this the monks answered, that they would receive no man but by their order of canonical election; meaning, belike, by their canonical election, thus much, when as they elect either some monk out of their own company, or else spme monkish priest after their own liking. Contrary, the king again sendeth word unto them, and bound it with

high a dignity, and afraid of submitting to any innovations on the freedom of election, rejected Luke, and elected William de Stichill, archdeacon of Worcester, and the king's chaplain, in the annals of Tewksbury called *Willielmus Scotus.* Displeased at this opposition to his will, the king sent his proctors to Rome to oppose William's confirmation: and the election was in consequence annulled, the pope pronouncing against the same for want of spiritual form in the ceremony, alledging that it ought to have proceeded through the inspiration of the Holy Spirit; whereas it was a mere egotism of the electors, who separately pronounced the election as his own will. They were commanded to nominate some other fit person; on which they petitioned that

RICHARD POOR,*

bishop of Salisbury, whom they had in the year 1213 elected to the See, but was then rejected, might be translated to Durham. The pope would willingly have overturned this second nomination as being irregular, but the monks persisted in their request; and on the 14th day of May 1228, by papal decree, he was translated to this See. He received the temporalities thereof on the 22d day of July, in the same year, the castles excepted, and was solemnly enthroned at Durham on the 4th day of September following. Why the castles were retained, is not said; but it is probable this was an act of over-stretched authority in the crown, and advised by those ministers who were urging this weak prince to extend his prerogative.†

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an oath, that they should tarry seven years without a bishop, unless they would admit the aforesaid Lucas to that place of dignity. All which notwithstanding, the monks, proceeding in their election, refused the said Lucas, and preferred another clerk of theirs, named William, archdeacon of Worcester, and him they presented to the king; but the king bringing in exceptions and causes against the party, would not admit him. Then the monks, in all hasty speed, sent up to Rome certain of their convent, to have their election ratified by the authority apostolical. On the other side, the king, likewise hearing, sendeth also to Rome, against the monks, the bishop of Chester and the prior of Lantony, on his behalf, to withstand the purpose of the monks. And so the matter being traversed with great altercation, on both sides, did hang in suspence, till at length thus it was concluded between both, that neither Master William nor yet Lucas should be taken, but that Richard bishop of Sarum should be translated to Durham, and be bishop there.——Fox's Acts & Mon. v. i. p. 307. Vide M. Paris:—Also Stavely's Romish Horseleech, p. 20.

N. B. Lucas was dean of St Martin le Grand.

* Lel. Col. v. ii. p. 333.—Robert de Graystanes.—Ang. Sac. p. 734.

† K. Hen. III. consenting to the election of Richard Poor bishop of Sarum to the church of Durham, issued this writ concerning the restitution of the temporalities, except two castles.——Claus. 12. H. III. m. 5. D'n's rex ordinacioni, scil. de ven. p're R. quo'd. Sarr. e'po in e'pum Dunholm. assensum regium præbuit & favorem; et mandatum est mag'ro Stephano de Lucy, q'd Castris de Norham & de Dunholm. in manu d'ni regis retentis, Ballivis ip'ius epi. seisinam habere faciat, apposita etiam

The above is the first instance that has occurred in the historians who have written the annals of this church, of the positive mention of the surrender and receipt of the temporalities of the See from the king's hands: The record quoted in the notes is the first in the muniments of the bishopric. Wharton's words are, *Temporalia episcopatus Dunelm. a rege accepit* 1228, 22*d. Julii.* The words of the king's writ, *Ballivis ipsius episcopi seisinam habere faciat.*

The bishop, at the time of his first election, was dean of Salisbury: In 1215, he was consecrated bishop of Chichester; and from thence, in 1217, translated to the See of Salisbury. Whilst bishop of Chichester, he purchased and gave to that See, Amport, which he bought of the church of Winchester. He was in high esteem with the people of Salisbury, having removed the episcopal seat from Old Sarum, and begun the building of the new cathedral. He founded a monastery of nuns at Tarrent in Dorsetshire, called the Charnell, and gave it to the queen, who chose it for her burial place. He also built an hospital for poor people, near the college of Vaulx in Salisbury. He was a man of great piety and profound knowledge.* M. Paris, speaking of him, says, *Hunc eximiæ sanctitatis & profundæ scientiæ virum.* He discharged the enormous debt his predecessor left to encumber the possessions of the See, and lived in great cordiality with the convent, with whom he entered into an agreement or convention for quieting their possessions, and preventing disputes with their prelates. He empowered them to pass sentence of excommunication on those who infringed the liberties of their church. The articles specified in the above-named agreement are to the following purport:—In pleas of the crown, and matters relative thereto all attachments shall be made by the bishop's bailiff, with the view of the prior's bailiff, and presented in the bishop's court. In all complaints wherein imprisonment ought to be had by the laws of the land, the prisoner shall be confined in the bishop's jail, until judgment shall pass in the bishop's court, or the party is relieved. In matters where life and limb are in judgment, execution shall be made by the bishop's officers. If any freeman, holding lands of the prior, be convicted of felony, or will not abide judgment, the bishop shall hold the offender's lands in his hands for a year and a day; and of the profits thereof, and other effects of the offender, the bishop shall take one half, and the prior the other, by the hands of the bishop's bailiff; and, after the expiration of that time, one half the lands shall be forfeited to the bishop, the other to the prior. Then follow certain rules for

salva custodia in eisd. Castris, ad nos sine dilaco'e veniatis nobis cum locuturi. Testa Rege apud Westm. 22d die Julii 1228.——Prynn's Col. v. iii. p. 78.

* Robert de Graystanes.—Ang. Sac. p. 735.

attendance on the justices at the pleas; *(inter alias)* wherever the bishop's justices shall hold pleas, and are attended by suitors of the bishop's people, thither also the freemen holding lands or fees of the prior shall resort, and be impleaded; and all amerciaments and profits arising from the prior's men, shall be divided between the bishop and prior. If any one in the prior's court shall impeach another, he shall immediately be delivered over to the bishop's officer; and if any one in the bishop's court shall impeach any of the prior's people, the matter shall be determined in the bishop's court; and whatever profits ensue, they shall be divided as before mentioned. If any of the prior's people shall come in mercy in the bishop's court, in the presence of the bishop's officer, by the oaths of two of the bishop's men, and two of the prior's, he shall be amerced according to the nature of his offence; saving to the freeman his tenement, the merchant his merchandize, and the husbandman his team.—Wreck of the sea, found on the prior's land, shall be divided between the bishop and prior. All customs touching the navigation of the river Tees, except for passage of the *batelli* (boats) of the prior and convent to Billingham, shall be reserved to the bishop for ever. The prior shall have his free court, with soc and sac, toll and theam, and infangentheof, with all their appurtenances, except pleas of the crown and pleas of land, to be prosecuted by the bishop's writ; or, during a vacancy of the See, by the king's writ; saving always, to the prior and his successors, and their people who have a court, the writ of right. If any of the prior's men shall be attached by the bishop's bailiff, for any matter within the jurisdiction of the prior's court, he, or his officers, shall have an exigent, and shall have the party *ad horam & terminum.* If a thief is taken in the prior's lands, and judged in his court, execution shall be made by the prior's officer at the gallows of the bishop, without restraint. Likewise, where battle is adjudged in the prior's court, or any one is sentenced to the pillory and tumbrell, execution shall be freely made by the prior's bailiff, at the place, pillory, and tumbrell of the bishop, without interruption. The customs and regulations touching malt, base bread, false measures of liquids, false weights, and false dry measure, of the prior's men in Elvet, in the old borough of Durham, shall remain to the monks of Durham freely and effectually for ever: And if any of them are found in the bishop's borough vending base bread, or by false weights or measures, justice shall be exercised by the bishop's bailiff; and if any fine or profit ensue it shall be divided as before mentioned. The prior's people of Elvet, and of the old borough of Durham, shall use the same weights and measures as those in the bishop's borough. This convention is

dated A. D. 1231, and was afterwards ratified and exemplified by bishop Hatfield, in the ninth year of his episcopacy, A. D. 1353.*

* Ommnibus, &c. Ric'us Dei gratia Dun. e'pus, &c. ejusd. eccl'ie rep'aco'i reformaco'i & paci & tranquillitati p'spicere volumus igitur cum temporibus Hugonis & Phi. predec. n'ror ep'orum Dun. & precipuo temp'e Ri'c'i de Marisco epi. Dun. predec. n'ri. multas controv'ias, &c. d'cis controversiis & querelis in forma subscripta fine' imposuimus. De p'litis coron'e & de hiis que ad talia p'lita spectant, scilt. q'd o'ia attachiame'ta fient p Ballivu' n'r'm & succ. n'ror & p' visum ballivi pr. Dun. qui p te p'e fu'it, & p. ea p'sentabu'tur in curia n'ra & succ. n'ror. Et si loquela talis sit sive de m'te ho'is sive de alia re, q'd imprisonaco' fieri debeat sed'm legem terre, prisones custodientur in prisona epi. donec judicium inde fiat in curiam ejusd. epi. v'l donec replegientur, si sint replegiabiles. Et si forisfec'int, quare debeant amittere vitam v'l membra', execuc o judicii fiet per ballivos epi. Si aute' aliquis liber homo de terra vel de feodo prioris co'vincatur de felonia, v'l nolit stare judicio ita quod debeat terram amittere p feloniam ep'us tenebit tra'. illius in manu sua p unum ann. & unum die'. & de exit. illius t're & catallis & vasto felonis v'l felonu'. in o'ibus e'pus he bit unam med'tem & pr. aliam medem p manum balivi epi. Post annum vero & diem elapsos, &c. ut sup'a int e,'pum & priorem. Ad p lita justic. de o'ib's p'litis venient o'es liberi ho'i'es de terra v l de feodo pr. & de q a lib t villa p'positus & quatuor ho i'es. Et quociens p'lita justic. de o'ib's p'litis tenebuntur in Eboracensisar, e'pus totiens faciet ea teneri p balli'vos suos in e'patu Dun. Et si ho i'es epi. de Norhamsir veniant ad p'litand. cor justic. apud Dun. ho i'es pr. de Norhamsir ibi venient, & ibi p'litabunt in curia epicor. justic. suis sicut p dem est. Et si ho i es epi. de Norhamsir p litent cor. justic. apud Norh'm ho i'es pr. de Norhamsir ibi venient & p litabunt cor. justic. epi. sicut p'dictum est. Et o'ia am'ciame ta & p'ficua de ho'ib's de t ra v'l de feodo pr. p'venientia int. ep. & pr. sicut p'd'c'm est, dimidiabu tur. Et si aliquis deven'it probator in curia pr. & appellav'it alios de societa statim liberabitur ballivis epi Si autem probator in curia epi. appellav'it alique', de ho ib's de t'ira v'l de feodo pr. loquela illa t'minabitur in curia epi. Et quicquid p'ficuum inde p'ven'it, dimidiabatur sicut p'd'c'm est. Et si aliquis de t ra v'l de feodo pr. in m'iam inciderit, in curia epi. in p'sentia ballivor. epi. p' juramentum ducr. liberor. ho i'um de terra epi. & duor. de terra pr. am'ciabitur s c'd'm qualitatem delicti scilt. liber homo salvo cotineme'to suo, m'cator salva m'chandiza sua, rusticus salvo wannagio suo. conven'it, &c. wrec de mari ubicu'q. inventum in t'ra v'l feodo pri demidiabitur int. nos & succ. n'ros & pr. Dun. qui p' te'p'e fu'it. Oresto consuetudines navium de aqua de Teise salvo pr. & mo'achis p' passagio batelli sui apud Byllyngham, nob. & succ. n'ris imp'p'm remanebunt sine aliqua contradicc'o'e, &c. pr. autem, habebit liberam curiam suam cu. sac & saca tol & them & infanguethef, et cum o'ib's p'tin. ad eam exceptis p'litis corone & p'litis terræ motis p'b're epi. v'l d'ni regis sed. vaca'te; salvo imp'p'm pr. & succ. suis & ho'ib'us eor. (qui curam habent) brevi de recto. Si quis autem de terra vel de feodo prioris attachiatus fu'it p' ballivos epi. pro aliqua re p'tinente ad curiam pr. prior v'l ballivus suus curiam suam exiget, & trabebit sine con'a dicco'e, si eam exigat, ad horam & terminum. Latro vero si captus fu'it in terra pr. & in curia ejus fuerit judicatus, execuc'o. judicii fiet. p' ballivos pr. ad furcas epi. libere & sine contradicco'e. Similiter cum Duellum fuerit adjudicatum in curia pr. v'l cum aliquis in ead. judicatus fu'it ad pillorium & tumberellum, execuc'o' judicii fiet. p' ballivos pr. liberi & sine impedimento *ad placeam* & pillorium et tumberellum epi. Consuetudines & emendationes de bracinis & falso pane & falso galone & falso pondere & falsa mensura de ho'ib's pr. apud Elvet apud vetus burgum Dunelm. remanebunt mo'achis Dunelm. libere & integre imp'p'm. Ita tamen q'd si ho i'es eorum inveniantur in burgo epi. cum falso pane vel, &c. &c. Justicia inde fiet p' ballivos epi. Et si inde preveniat----vel finis, vel aliud proficuum dimidiabatur int. e'pum & priorem. Pred ci autem ho i'es prioris de Elvet et de veteri burgo Dunelm. utantur eisdem me'suris & ponderibus quibus ho i es epi. utuntur in burgo suo Dunelm. Quare volumus &c. Et ut o'ia premissa robur firmitatis obtineant presenti scripto tam sigillum n'rm quam sigillum capituli, &c. Testibus, &c. A. D. 1231.——Randal's MSS.

Exemplification & confirmation Rot. A. Hatfield, sch. ix, N° 1.

The bishop departed this life at Tarrent on the 15th of April 1237, in the ninth year of his episcopacy, and was interred their (as Godwin tells us) in the monastery that he founded.* A little before his death, perceiving his dissolution approached fast upon him, he ascended the pulpit, and, in a moving exhortation, pressed on the minds of his audience the exercise of moral virtues, and a religious life; urging his precepts as being the words of a dying person. The next day he repeated his discourse, and prayed his hearers, if any he had offended, to pardon and put up supplications for him. The third day he called for his friends, and having his family and servants before him, distributed his gifts to each, according to their merit; and gave directions touching all his temporal affairs; then, taking an affectionate farewell of each, one after another, he kneeled to prayer, and, according to M. Paris, when he had uttered the words, *In pace in id ipsum dormiam & requiescam*, he sunk down and expired.†

* The Anglia Sacra expressly says, he was buried in the chapter-house at Durham; as it also appears in the following inscription, remaining on a tablet in Leland's time in Salisbury cathedral, where a tomb is erected to his memory;——"Orate pro anima Richardi Poure quondam Sarum episcopi, qui ecclesiam hanc inchoari fecit in quodam fundo ubi nunc fundata est ex antiquo nomine Miryfelde, in honorem B. Virg. Mariæ 3 kal. Maij in festo S. Vitalis Martyris A D. 1219 regnante tunc rege Richardo post conquestum primo. Fuitque ecclesiæ hæc in ædificando per spatium 40. annorum temporibus trium regum, videlicet antedicti Richardi, Joannis, & Henrici III. Et consummata 8 kal. Apr. A. D. 1260. Iste Richardus episcopus fundavit Missam Beatæ Mariæ Virginis solempniter in hac capella quotidie celebrandam, & appropriavit ecclesiam de Laverstoke ad sustentationem ejusdem missæ. Qui quidem Richardus episcopus postea translatus fuit ad episcopatum Dudelmensem; fundavit que monasterium apud Tarrunt in comit. Dorset. ubi natus, nomine Richardus Poure ibique cor ejus, corpus vero apud Dureham humatum est. & obijt 15 die April A. D. 1237, 21 K. Hen. III."——Lel. Itin. v. ii. p. 62.—Willis's Cathedrals, p. 238.

† In Prynn's Aurum Reginæ, p. 18. 4°, 1668, we find a discharge for a third part of 50 marks, the king's fine on granting administration of this bishop's effects, in the following form:——

Pro Johe' de Ramesey, canonico S. Pauli, London.

Regina mandat Rob'to de Thaurey, a' chid. Bathon cl'ico suo q'd relaxavit Joh'i de Romesey canonico sc'i Pauli London tertia' p'tem 50 marcar quas ab eo & Petro cap'no quo'da' W. arch. Eboru & Willo de Bromham vic. de Norton in e patu. Dunolm. Executorib's quo'd. Ri'c i Dun. epi. p' auro suo de qui'ge'tis m'cis quas dederant d'no regi p' quo'd. sine qu am fecerunt ad habend. plena'. administraco em Bonor. que fuerunt ejusd. epi. Et vult q'd residuu' illar. 50 m'car demp'ta t'cia p'te ut p'd'c'm est, de p'd'cis Petro & Willielmo coexecutoribus p'd'ci Joh is plene recuperetur, & de illa tertia parte p'd'co Joh' nulla' de cætero faciat execuco'em. B're est in custodia p''ci Rob'ti. 1256.

De t'mino Pasch. an. 40 Hen. III. Rot. 15. in offic. Rem Regis in Scac,

The See vacant:—Steph. de Lucy was guardian.—Vide Pr. v. ii. p. 18.

Geoffrey de Lucey, constable of the castle. Appointed by king Henry III. A, D. 1228.—Dugd. Bar. v. i. p. 566.

Richard Poor, bishop:—Had the royal assent 22d July 1228; ob. 15th April 1237

Officers of the See during the Time of Bishop Poor.

Temporal Chancellor.—Valentinus,

During the short time he presided in this See, there are no material acts of his in the records of the church, except the convention before noted; neither is he mentioned in our national history as taking any active part in the disturbances of his time.—His sanctity and wisdom were special ornaments to his church in that æra; for M. Paris says,* that almost every ecclesiastic, of whatever denomination he was, had a concubine;† and as to the erudition of the clergy, a striking instance of ignorance is given in the course of the examination of the bishop elect for the See of Canterbury.‡

On Holy-Rood day next succeeding the bishop's death, the archbishop of York and earl of Lincoln brought to the convent the king's letters for the election of a prelate, at the instance of their sovereign; requiring them, for the security of his realm, and to support the royal favour towards them, to elect the king's procuratior of Valencia. After deliberating thereon, the prior, the following day, gave for answer, that many of the brethren were absent, before whose return they could not with propriety proceed to the election; but, when they took on them that charge they would be careful to nominate such a one as was at once a proper minister to God and the church, and faithful to the king and his realm.‖ The convent, not approving of the person pointed out by the king, elected Thomas of Melsonby, then their prior, who reluctantly submitted to their choice. The election was in course represented in due form to the king and archbishop of Canterbury; but the king excepted thereto, alledging, that Thomas was inimical to his crown and government, having been prior of Coldingham, and, in that capacity, had sworn allegiance to the king of Scotland; and, as the bishop of Durham held many strong fortified places within his See, on the confines of Scotland it was of dangerous consequence to him and his kingdom, that his enemy, and a friend to the throne of Scotland, should hold them, especially one who had already done homage to that state. That, in the bishopric of Durham, there lay many sea-ports and maritime places, where troops from France and Flanders might be landed and received, to the imminent hazard of his government. He also alledged various personal charges against him, amongst which the most striking were, that he was distempered, that he had been guilty of simony in many cases, and had not

Senechal,—John de Runees, or Rumesey. He with Rob. fitz Meldred, Geoffrey fitz Geoffrey, and Jordan Hayrun, were justices of Richard the second, bishop of Durham, on Monday, next after the close of Easter, in the 8th year of his pontificate, 1236. Rot. x. Nevil, N° 55.——Randal's MSS.

* M. Paris, p. 227.—An. Waverl. † M. Paris, p. 438. ‡ Ang. Sac. p. 735.

‖ Prynn, v. ii. p. 483.—Ang. Sac. p. 735.—Rob. de Graystanes.

sufficient learning for the prelate's function. The king, it is said, was rendered more averse to the confirmation of this election, by some indignant speeches thrown out abruptly by one of the monks in his presence. The exceptions were to be under the judgment of the archbishop of York, who was not able to find any just grounds to support the same, but yet, for fear of the king, delayed his sentence; on which a petition was sent to Rome, requiring the aid of the Holy See to compel the archbishop to proceed to sentence at a short day. Robert de Esden sub-prior, Lawrence de Upseltington, and Alan the chamberlain, were dispatched from the convent on this matter, Robert de Hexham waiting their arrival at Rome. William de la Hay attended the monks, but they all died on the journey. The bishop elect obtained the king's licence for visiting Rome; but, coming to Dover: was prohibited leaving the kingdom by Bertram de Greol, the constable there; from whence despairing of a passport on this business, he returned to Durham, and voluntarily renounced his election. On hearing this matter, the king sent messengers to Durham, to except against certain persons, thought most likely to be chosen by the convent, and to propose *Peter de Egroblanch*, a kinsman of his majesty's, whom they rejected.*

During this period the king presented Robert de Courtney to the deanery of Auckland;† and a bull was obtained from the See of Rome, commanding the prior and monks not to attempt any thing during the vacancy of the See, to the prejudice of the king.‡

Thomas de Melsonby was elected prior on the first day of June 1237, and resigned on the 8th of April 1240. On the 2d day of January 1241, the convent proceeded to the election of

NICHOLAS DE FARNHAM,

the queen's physician, a man unexceptionable at court, and to whose election the king was instantly reconciled. He received the temporalities in the month of February, and was consecrated at Gloucester, on the day of the Holy Trinity, by Walter Gray archbishop of York, the king and queen, with many of the prelates and nobility, being present at the ceremony, and was enthroned at Durham on the feast of St Cuthbert's Translation. He had studied pharmacy, natural philosophy, and logic, many years in which he made great proficiency; and afterwards, turning his attention to theology, arrived at great excellence therein. From his learning, extensive knowledge, and exemplary manners, he

* Robert de Graystanes. —Angl. Sac. p. 736. † Tanner's Notes,
‡ Rymer's Fœdra, v. i. p. 388.

became not only physician to the royal personages, but their spiritual and privy counsellor. In this situation he received advice of his election to the See of Durham, which he refused to take lest the world should reproach him for not accepting the bishopric of Coventry, which was offered to him some time before, being a poor See, and now receiving the opulent bishopric of Durham The bishop of Lincoln, Robert Grosthead, took great pains to dissuade him from his determination, representing the duty of filling this important trust, lest the king should obtrude some unworthy person, of principles improper to have the government of the strong places of the bishopric, which were esteemed the bulwarks of England against the Scots, to the great hazard of the realm. These powerful arguments prevailed with this learned and excellent prelate to shake off his scruples, and accept of the episcopal dignity.*

He did not hold this See long; for, having obtained licence from the pope, in the beginning of February 1249, he resigned, the convent accepting the instrument of resignation on the eighth day of February. He had assigned to him, for his support in retirement, the manors of Hoveden, Stockton, and Easington, said to produce 1000 marks a-year. This reservation, the succeeding bishop, with the convent, struggled much to have reversed, and for that purpose appealed to Rome in the year 1250, but received a disgraceful repulse. Before the bishop's resignation, it was alledged against him, that he was married at the time of his consecration, but thereupon repudiated a worthy wife.† The truth of this imputation is not made out against him. He resided much at Stockton, and there departed this life in the year 1257. He is described as being of an elegant form and stature a modest countenance and gesture, an affable demeanour, and of a grave but persuasive elocution. He was interred at Durham.

During this prelate's time, prior Thomas made several repairs in the church, and covered it with a new roof, the bishop not only assenting thereto, but also giving, in aid of the work, the church of Bedlington. He also gave to the convent 100 acres of woodland, called Milnside, with power to enclose it, and granted them free warren therein, and also in the parks of Aickliff, Ferry, Rainton, and Heworth.

At the congress of York, the king of Scotland renewed his demand of the cession of the nothern counties, imputing several defalcations, in matters formerly stipulated between the crowns, to the part of the king of England. Otho, the pope's legate, was

* Robert de Graystanes.—Mon. Angl. v. iii. p. 148.—Lel. Col. v. iii.—Angl. Sac. p. 737.—M. Paris, p. 541, 549, 573, 628, 759. † Annal Lanercost.

present, and to his intermediation the agreement which succeeded was in some manner to be imputed. The king of Scotland consented to receive lands of 200£. yearly value, to be assigned in some of the northern counties, in composition for his claim, to be held by him and his heirs of the crown of England, on the service of rendering a falcon yearly to the hands of the constable of the castle of Carlisle. The bishop was commissioned by the king to assign the lands stipulated in this convention, which were Penrith and Sowerby in Cumberland, as appears from the account in Ryley of the seisin of those places, ordered to be given by Edw. I. in the 21st parliament of his reign, to John Baliol, as heir of the then late king of Scotland.*

There being a parliament summoned at London in the 28th year of the king's reign, A. D. 1244, and all the bishops being required by Martin, the pope's legate, to repair thither, touching an aid to the king and pope, the king thereupon, fearing some designs from Scotland, commanded the bishop of Durham, notwithstanding his former summons, to remain at home, for the defence of those parts, till farther order.† Soon after, in the same year, the king led a great army to Newcastle, which Fordun describes to have embodied in it 5000 horsemen, completely and finely armed. The king of Scotland was not behind in preparations, and came to Ponteland with his troops, consisting of 100,000 foot, and 1000 horsemen, well mounted, and defended with iron armour, or coats of mail of net-work. These mighty preparations ended in a treaty, in which the king of Scotland did homage to king Henry, and agreed not to enter into league with his enemies, for making war on his dominions, without some previous injury, injustice, or oppression.

As the king of England approached Durham in his route, Thomas the prior, fearful of his wrath for the opposition maintained in his election to the See, and well knowing the king's resentful, though weak and fluctuating mind, resigned the office of prior, and retired to the island of Farne, first the retreat of St Cuthbert, and then occupied by a hermit named Bartholemew, where he spent the remainder of his life in religious austerities, giving frequent alms, and exhorting those who resorted to him, with great piety and fervour, to the exercise of virtue, self-denial, and sanctity of manners. He was brought to Durham to be interred. Bertram de Middleton succeeded him in the office of prior.‡

* Rymer's Fœdra, v, p. 400. † Prynn, . ii. p, 632.
‡ Rob. de Graystanes.—Ang. Sac. p. 737.

In the year 1248, the bishop, presuming upon the privileges of his palatinate, oppressed the prior of Tynemouth, contrary to the liberties granted to that priory by the king's royal predecessors, and the laws of the realm; and, upon two letters sent by the king, in which he intreated him in a friendly manner to desist from such injurious acts, as the priory was under his special protection, he neglected or refused to refrain from such measures: on which the king, by virtue of his royal prerogative, sent him his special writ or mandate, commanding him to do immediate justice to the prior, or he would do him justice himself, notwithstanding his liberties, and also punish the injuries he had already committed.*

In the king's objections to Thomas of Melsonby, and during the episcopacy of bishop Farnham, more particular mention is made of the importance of this palatinate to the state, than occurs before in history. The fortresses of the See are described as the bulwarks of the nation against the Scots; and this barrier esteemed of so much consequence to the tranquility of the realm, as to require a direct dispensation to be granted to the bishop from serving the high duties of parliament, in order that he might attend to the important trust of defending his province from the threatened attacks of the enemy. The maritime parts of the province are spoken of as capable of receiving foreign troops, and being of much significance, should they be employed in support of the Scots, by receiving men from France and Flanders. The wealth and populousness of the See were encreasing rapidly, and the importance of the palatinate to the realm every day advancing.

During bishop Farnham's time, the king, as patron of the bishopric of Durham, and supreme governor of the church of England, sent two special writs into this jurisdiction, the one to exempt this prelate from the payment of his predecessor's debts,† the other to enable him to make a will, and thereby dispose of the goods which he had in right of his church, without interruption of the officers of the crown, which otherwise he could not have done.‡ In 1249 he resigned the bishopric; and, retiring to Stockton, died there in February 1257, having lived a private life the space of eight years, and was buried among his predecessors in the chapter-house at Durham.‖

* Prynn, v. ii. p. 716. † Ibid. p. 728. ‡ Ibid. p. 101.

‖ The See vacant.—William Grat, high Sheriff,——Grey's MSS.
Thomas de Melsonby elected bishop 11th June 1237; resigned 8th April 1240.
Nicholas de Farnham, bishop;—Elected 2d January 1240; consecrated 9th June 241; resigned before 17th January 1249; ob. Feb. 1257.

Officers of the See during the Time of Bishop Farnham.
High Sheriff,—William Grat.

The See continued vacant a very short time after the resignation of bishop Farnham; The king speedily granted his licence for electing a prelate, but at the same time importuned the convent to nominate *Ethelmar*, his half-brother; whom they refused, on account of his youth and want of learning; whereupon it is said,* the king threatened to keep the See vacant till he was esteemed of a fit age. Notwithstanding this menace, on the 21st day of April 1249, the convent elected

WALTER DE KIRKHAM,

dean of York, who being approved, received the temporalities of the See, and was consecrated at York by archbishop Gray on the 5th day of December following.

The bishop, soon after coming to the See, confirmed to the convent the grants and donations of his predecessors. He gave the church of Brankston for the support of two monks at Warkworth, supposed to be appointed to do duty at the beautiful hermitage near that place, one of the sweetest retirements in the north of England, and perhaps the most elegant cavern in the known world, hewn out of the bosom of a rock. He appropriated the church of Heighington to the convent, after the death or cession of William de Kirkenny, then vicar thereof, for the better support of their hospitality, and the entertainment of pilgrims and poor persons. He also granted to them Horselyhope, near Muggleswic, containing 216 acres of woodland and waste with licence to inclose the same.†

The oppressions of the See of Rome had occasioned some remarkable exertions of the English barons. They compelled the insolent and tyrannical legate, Martin, to quit the realm, A. D. 1245. They denied, by public ambassadors, before the council of Lyons, where the pope was present, king John's right, without the consent of his parliament, to make his crown tributary.

Temporal Chancellor,—Walter de Merton; to whom the king committed the custody of his seal 6th May 1258; made lord chancellor 1261 by the king. He was a justiciary itinerant with Rob. s. of Mardr. Rich. Ducket, John de Lumnes, G. de Leucknore, steward of Durham, at the assizes held at Durham, on the morrow of the Holy Trinity, in the 2d year of the bishop, 1242.——Rot. Mathewe in dorso N° 33. An Inspeximus. V. Rot 1. Matth. 23. in dorso.

Constable of the Castle, —Pet. de Burdon.

Seneschal,—John de Rumescie.

————G. de Lucknore. Ac. in cra. Trin. A° 2. 1242. Rot. Matth. indorso N° 33. made a justice of the C. P. 2d Nov. 1277.——Randal s MSS.

* Matt. Paris. † Rob. de Graystanes.—Ang. Sac. p. 738.

They absolutely rejected the *non-obstante* clause in the pope's bull, by which he presumed to dispose of benefices, "notwithstanding the right of patronage, or other privilege to the contrary," which in its operation was a total annihilation of the rights and liberties of the church. In the following year a memorial was signed by the king, bishops, and temporal lords, touching the grievances this country was oppressed with by the holy See; but the haughty spirit of the chief pontiff was so far from relaxing, that new exactions were imposed on the clergy. This encreased the wrath which already had agitated the minds of the resentful barons; and, under their influence, the king, in defiance of the threatened powers of an interdict and excommunication, forbade obedience to the pope's mandate; and the affair, by this hardy opposition, totally subsided. The See of Rome, did not from this instance, desist from new attempts, or refrain devising measures for extorting money. Pretending a right of disposing of the dominions of Sicily and Apula, and knowing well the weakness of the king of England, his vanity, and extravagance, the pope made a formal grant of those territories, in the year 1255, to Edmund the king's son; in consideration of which, the bishop of Hereford agreed, on behalf of the religious houses in England, that the ecclesiastics of the realm should pay 38,000 marks.* Bertram the prior of Durham, with his convent, protested against this exorbitant exaction, which was founded on the most ridiculous pretext invention could have devised, too shallow to ensnare any but a prince of Henry's capacity. The method proposed to obtain this was as extraordinary as the grounds on which it was projected. He caused a number of obligatory notes to be drawn, whereby each bishop, abbot, or prior, in England, acknowledged to have received of some merchant of Sienna or other place in Italy, the sum of.....for the occasions of his church, and bound himself to pay it at a day appointed.—This was protested against, in a violent manner, by most of the dignified clergy; but at a succeeding convention, where the pope's nuncio still insisted on compliance, he alledged, "there was no injustice in what the pope claimed, since, as all churches belonged to him, he could dispose of their incomes as he pleased."—This extraordinary pretension was answered by Leonard, the deputy or prolocutor for the clergy on this occasion, who said, "all churches might be said in some sense to belong to the pope; but it was only in order that he should protect and defend them, and not appropriate them to his own use. In like manner," continued he, "we say in England, all things are the king's; yet no man ever imagined the king was proprietor of

* Rob. de Graystanes.—Ang. Sac. p. 738.

"all the estates of his subjects; so, with regard to the lands of "the church, it can never be proved, that it was the intention "of the founders to give them to the pope." M. Paris sets forth the pope's bull for this exaction, which shews that nothing was done in the buisness of the notes but by his express authority.—It concludes in these words: "You shall take care to let the king "know, that all this is our will and pleasure; wherefore I set "down in these presents what each abbot and prior shall be bound "to pay: The prior and monastery of Durham, 500 marks; of "Bath, 400; Thorney, 400; &c. Dated at Anagnia the x of "the kalends of July, in the 2d year of our pontificate."

Soon after the above matter subsided, the prior of Durham resigned his office, 15th August 1258, and had assigned him for maintenance the churches of Pittington, Heighington, and some other places; and Hugh de Derlington, the sub-prior, was elected in his room, 16th August 1258.

The unhappy disentions still prevailing in Scotland between K. Alex. III. and one party of his nobles, the queen-dowager of Scotland, who had married John de Acre, son to the king of Jerusalem, on a visit to the Scottish court, became mediator for a reconciliation and coalition of parties. The king of England, being then engaged in a campaign against the Welch, deputed the archbishop of York, the bishop of Durham, Richard de Quincy earl of Winchester, Bertram prior of Durham, John Maunsel provost of Beverley, Gilberton de Preston, and William Latimer, with powers to conclude, in conjunction with the king of Scotland's council, such matters as they judged were consistent with the honour of the two states. For this purpose they met at Stirling, without forming any effective plan. In less than two months the earl of Monteith seized the king in bed at Kinross, under pretence of rescuing him from the hands of persons excommunicated. The king of England at the time of this event was waging war with the Welch; and the chiefs of the Scottish faction entered into a treaty of alliance with them against England; which occasioned those persons who were in the opposite party to fly for protection to Henry's court.

The summer of the year 1258 proved excessively turbulent in England. Simon de Montford earl of Leicester, offended at the king's partiality to his brothers by the mother's side, as well as other foreigners, entered into a combination to expel them the kingdom. Not contented with having effected his purpose, but seeing the king's party greatly weakened, as well by this measure as the defection of many whom he had treated with levity and disrespect, the confederates established a council, to whom, after many struggles, they compelled the king to commit the direction

of all public affairs, that the many grievances of the people might be redressed; and this junto required the king's subjects in general to swear to an observance of the regulations then established, which were afterwards known by the name of the *Oxford Provisions*. This new system of government was formed in June, in a parliament held at Oxford, which, from their extravagant projects and measures, was stiled the *Mad Parliament*.—The contemptible figure the king of England made in this situation, no doubt reduced his consequence with the court of Scotland. The prevailing party there had seen him under the most despicable light; in one moment, with the most solemn asseverations, protesting to his assembled states, that he would observe, and keep inviolate, his father's charters, and in the next, in contempt of the most horrid anathema, projecting, and executing measures totally adverse. They had seen him the dupe of the See of Rome, draining his kingdom of its wealth, for the maintenance of a visionary title to the crown of Sicily, given to his son Edmund by the magical power of that See: And whilst the king of England was thus lavishly pouring out his treasures, Manfrid was suffered to wear the crown of that state in quiet, without the pope's using any efforts to depose him. They saw Richard, the king's other brother, adding to the calamities of the people, by draining the state of 700,000£. sterling, a vast sum in those days, to support the title of king of the Romans: And now they beheld the government reposed in the hands of a junto, at whose head was placed the impetuous earl of Leicester. Under those circumstances an attempt was made by the regents to conciliate the minds of the Scottish partizans; for which purpose several of the English nobles met the king at Melros. What project the English had formed, historians have not declared with precision; but certain it is a considerable body of forces was drawn down to the borders. Norham and Wark Castles were put under the government of Robert de Nevil lord of Raby, who had instructions to have provision of horse and arms in readiness for a secret expedition.* The king of Scotland and his council had entertained some apprehension of a plot to seize the king and carry him into England; in consequence of which surmise the English commissioners were required to attend at Jedburgh, where they were astonished to find the forest lined with troops, and a complete line of circumvallation formed to

* Neville, in the following year, was also made governor of the castle of Bambrough.—Dugd. Bar. v. i. p. 291.

This Robert de Neville was the second lord of Raby of the name of Neville, being the grandson of Robert Fitz-Maldred lord of Raby, who was the lineal male heir of Uchtred earl of Northumberland.—Ridpath's Bord. Hist. p. 151.

protect their sovereign. This discovery prevented the execution of the project, if any such was really devised, and brought on earnest endeavours to effect a reconciliation, and obtain a peace, which accordingly ensued.

In this prelate's time the mintage was revived; and Mr Noble's words are, "It now remains to shew when, and for what reasons, "the prelates were permitted to use any peculiar marks to "distinguish their coin from the royal money. It must be "observed, that though Henry the Second permitted several "cities and abbies to have one or more mints, yet we find no "peculiarities on any money of his; nor can we suppose that "there were any upon those of king Richard I., or of king "John,* as there are none upon the money coined either at Canter- "bury, York, or Durham, in the reign of K. Hen. III.,† though "the prelates of those Sees had at that time the right of a mint, "particularly those of the last place, as appears by a seisin grant- "ed by that king, in the 37th year of his reign, to bishop Kirk- "ham to coin money at Durham, as enjoyed by his predecessors. "We may therefore presume this custom was introduced in the "reign of king Edward I.,‡ who was the reformer of our money,

* We have only a single specimen of K. Rich. I. and none of K. John's English money, though it is well known that both these princes coined money in Durham, as well as in many other places: The latter of whom, by his writ patent, in the ninth year of his reign, commanded the moniers, essayers, and *custodes cuneorum* of Durham, with all the others in the kingdom, to be at Westminster on a day there fixed, to receive his orders.—Maddox's Hist. Exchequer, quarto, v. i. p. 290.

Rex, &c. Omnibus monetariis et examinatoribus monetæ & custodibus cuneorum Londoniæ salutem. Præcipimus vobis quod sicut vos et vestra diligitis statim visis literis istis signetis sigillis vestris omnes cuneos vestros et sitis cum illis apud Westmonasterium, a crastino S. Dionisii in xv dies audituri præceptum nostrum. Et faciatis scire omnibus operatoribus monetæ de civitate vestra, et eis qui sciunt dare consilium ad faciendam monetam quod tunc sint ibi vobiscum. Et habeatis ibi has literas. Teste domino P. Wintoniensi episcopo apud Westmon. 7 die Octobris

Sub eadem forma scribitur omnibus monetariis et examinatoribus monetæ et custodibus cuneorum, Wintoniæ, Exoniæ, &c. Dunelmi. Pat. 9. Jo. M. 5.

† A. D. 1253. Inspeximus insuper quasdam literas patentes præfati regis Henrici filii regis Johannis in hæc verba. Henricus Dei Gratia rex Angliæ, dominus Hiberniæ, dux Normanniæ, Acquitanniæ, et comes Andegavensis, omnibus ad quos præsentes literæ pervenerint salutem. Quia per testimonium plurimum fide dignorum, & per antiquos cuneos coram nobis exhibitos, et etiam per monetam inde fabricatam, quam venerabilis pater Walterus Dunelm, episcopus coram nobis protulit accepimus quod prædecessores ejusdem episcopi cuneos suos apud Dunelmum habere consueverunt reddimus ei cuneorum suorum seisinam habenda ecclesiæ Dunelm. sicut prædecessores dicti episcopi eam habere consueverunt. In cujus rei testimonium has literas nostras eidem episcopo fieri fecimus patentes. Teste meipso apud Windeshouse, xii die Junii, anno regni nostri tricessimo septimo. Rot Dunelm.

‡ This is further confirmed by our having the rose upon the reverse of the penny of York; the boar's head in one quarter of the reverse of the halfpenny of Berwick; and the escallop shell in the same place upon the penny of Reading.——Vide pl. 3. N° 18. published by the Society of Antiquiries; Mr Snelling's View of the English Coinage, pl. 2. N° 4. and Mr Bartlet in the 5th volume of the Archaelogia, p. 338, and 339.

"and who disused the custom of putting the name of the mint-"master upon the reverse of the money, which had been "continued for many centuries, and in its room substituted the "word *villa* or *civitas*, but generally the latter. From hence, "therefore, it might be found necessary to permit such of the "prelates as enjoyed a mint to distinguish, by some peculiar "device, the episcopal from the royal coins; as otherwise it "would have been impossible to punish the mint-master for any "forgeries they might commit, from the difficulty there might "have been in identifying whether such of them who debased or "counterfeited the money were servants to the king or the "bishop, and by that means leave an opening for many frauds. "This was the more necessary, as there were royal and episcopal "mints in the city of Durham as late at least as the reign of king "Edward III. This custom, however, was continued after the "cause had ceased, for we have some distinctions upon all the "Durham money from that prince's reign down to the abolition "of their mint. The only probable reason for this is, the desire "the episcopal palatines had of acquainting posterity, that they "enjoyed this sovereign privilege; and this they have effectually "done; for, though they could not in any great degree differ in "their types from those used by their sovereign, yet, as they "were permitted to have some variations, the former bishops "have either placed their arms, or some other inferior device, "upon their money; and the latter have generally the initial of "one or both the names of the prelates who caused them to be "struck; and so very careful have they been of distinguishing "their own money from that of their predecessors, that we hope "to fix the money of each to the prelate by whose authority it "was fabricated."

In the year 1255, some servants of John Baliol being excommunicated, and imprisoned upon a *capias excommunicatum*, by the bishop of Durham, for entering forcibly into the church of Long-Newton, Eustace de Baliol, Goceline de Baliol, and others of John's people, in revenge, lay in ambush in a wood near which the bishop was about to pass, assaulted him and his men with horse and arms, treating the bishop very irreverently, and taking four of his attendants prisoners, whom they confined in the Castle of Barnard, till the bishop should liberate the excommunicated persons. Upon the bishop's complaint of this insult to the king, he issued his writ, rehearsing the several circumstances, and stating, that the assault was a flagrant breach of the king's peace, which the bishop had in his royal franchise and liberty between Tyne and Tees, and thereby commanding J. Baliol, Eustace Baliol, and the constable of the Castle of Barnard, to

liberate the persons so held in confinement. It appears that the bishop held his authority with an illegal rigour; for he refused to deliver the excommunicated persons to bail, as the law required, which obliged the parties to apply to the king for his writ *de cautione admittenda*, in order to their being received to bail.*

It had grown into a practice in the ecclesiastical jurisdiction of this See, to cite certain persons, residing in Newcastle, to attend the bishop's officials and archdeacons at their courts and visitations, in places distant from that borough, contrary, as it was alledged, to the liberties of the burgesses. This practice growing into a great grievance, from the expences attending it, and the loss of time of the merchants and artificers, insomuch that some of them were reduced to the miserable necessity of begging, application was made to the crown for redress, and the king issued his writ of prohibition for relief thereof, and his mandate to the bishop, commanding him and his officers to forbear such proceedings in future.†

The bishop departed this life at Hoveden, on the 9th day of August 1260, and was buried at Durham on the 16th day of that month, he having been embowelled at Hoveden, as appears by an inscription in the church there.‡

Robert de Graystanes, whose history of this prelate Wharton chiefly pursues, says, "His seal was broken in the chapter-house "by J. Gileth, in the presence of all who attended" his funeral. Gileth was the bishop's temporal chancellor. This is the first instance of that practice on the death of our prelates which occurs in history.‖

Whilst the temporalities remained in the king's hands, a whale was cast up at Summercote in Lindsey, a district in Lincolnshire,

* Claus. 39th Hen. III. m. 7. dorso 1255.—Prynn, v. ii. p. 826.

† Claus. 44th Hen. III. p. 1. m. 12. dorso ———. Prynn, v. ii p. 969.

‡ Vide Hoveden, v. ii

‖ In a small publication, intitled "The Antiquity of the Abbey, or Cathedral Church of Durham," published by Patrick Sanderson, it is asserted, that an indulgence was granted by this bishop in the eighth year of his pontificate, for twenty days, to all those who would assist, either with money or labour, in repairing the bridge over the river Tyne, which, being originally built of wood, was burnt in the year 1248; in the room of which there was erected one of stone, a third part belonging to the bishopric.—Page 67, second part.

Walter de Kirkham, bishop:—Elected 21st April 1249; consecrated 5th December 1249; died 9th August 1260; buried 16th August 1260.

Officers of the See during the time of bishop Kirkham.

High Sheriff,—John Haldan.

Temporal Chancellor,—John Gileth.

Constable of the Castle,—D'n's R. de Waltham.

Seneschal,—Will. de Midilton, 1252; Rob Creppingtun, 1253; Wm. de Middleton, 1254; John Gyleth, 1258; John de Eglescliff, oc 13th July 1260 ———

Randal's MSS

and part of the territories appertaining to the bishopric, which was cut up and taken away by persons having no right thereto; on which the king issued his precept to make inquisition touching the offence, and to attach those whom they should be informed committed it. In this instrument the whale is asserted to be the right of the crown, by reason of the vacancy of the See, the same then being in the hands of the king, to whom all the rights of the bishopric was, on that occasion, to be accounted.*

Immediately after the death of bishop Kirkham, on the 30th day of September succeeding, a new prelate was elected.

ROBERT DE STICHILL,

then prior of Finchale, (who took his name probably from Stichehille, a place on the north borders, near the hills of Cheviot) was nominated by the convent: He was confirmed by Godfride archbishop of York on the day of St. Clement, being the 23d of November 1260. He received restitution of the temporalities from the king on the 5th day of December, and was consecrated by the same archbishop at Southwell, on the 13th day of February 1261. He was bred a monk in the monastery of Durham, where, in his youth, he discovered much levity of temper, for which he underwent some instances of disgrace. Impelled by shame, or the violence of his disposition, he formed a resolution to quit the monastic discipline, and fly by night from the cloister; but he was stayed by a mental remorse, or other secret influence, from so rash a determination, his heart being enlivened with hopes of advancement, in future life, in the ecclesiastical character.† The monkish writers give this determination a cast of miraculous interposition; but let the incitement be what it would, the consequence was excellent: He gave a check to his temper and puerile levities, applied himself strictly

* Claus. 45. K. Hen. III. M. 18. dors. A. D. 1261. Rex vic. Linc. salutem. Datum est nobis intelligi, quod cum tota Ballena quæ nuper applicuit apud Sumercote in Lindesey, in terra episcopatus Dunelm. *ad nos ratione ejusdem episcopatus tunc vacantis, & in manu nostra existentis pertinerit,* quidem de Balliva tua eandem Ballenam ibidem pro voluntate sua distraxerunt, et asportaverunt, in juris & dignitatis regiæ prejudicium et contemptum. Et ideo tibi præcipimus, quod una cum dilecto clerico nostro Elia de Hertford, quem ad te propter hoc mittimus, per sacramentum tam militum quam aliorum liberorum et legalium hominum de comitatu hic, per quos rei veritas melius sciri poteret, diligenter inquiras, utrum prædicta Ballene applicuit in terra prædicti episcopatus necne? Et si ibi applicuit, qui eam distraxerunt & asportoverunt. Ei si ipsa alibi applicuit in Balliva tua. qui portionem ad nos inde pertinentem distraxerunt & asportaverunt, sicut prædictum est: et omnes illos quos por inquisitionem illam culpabiles inde inveneris attachies; ita quod habeas corpora eorum coram nobis a die Pascha in 15 dies ubicunque tunc fuerimus in Anglia ad respondendum nobis de transgressione prædicta, et habeas ibi hoc breve. Teste rege apud Turrim London, 25 die Februarii anno regni nostri 45.—Prynn, v. ii. p. 982.

† Rob. de Graystanes.—Ang. Sac. p. 739.

to his studies, became a religious observer of his duty, and attained such proficiency, both in religious conduct and divine learning, as to gain the approbation of the whole society. He was the son of a priest, and, by the canons, deprived of ecclesiastical preferment; but his growing virtues so ingratiated him into the favour of those who knew him, particularly Henry de Horncastre, afterwards prior of Coldingham, a man of great knowledge in temporal as well as spiritual concerns, that, unknown to him, he obtained a dispensation by which he ascended to his dignities in the church. He was for several years prior of Finchale, which office he filled with great propriety of character. Soon after his consecration, he gave to the convent 1300 acres of woodland, the better to enable them to proceed in their religious edifices. After some altercation between him and the convent, he obliged the monks, as soon as they had professed before the prior, to do the same before him, and receive his solemn benediction. After the resignation of prior Hugh, in the year 1272, he took the custody of the church and convent, during the vacancy of the office of prior; and an unhappy disagreement prevailed for some time touching formalities requisite in the election, the bishop insisting upon his being stiled *patron and supreme;* alledging, if he was not patron, there was no necessity for them to require his consent for electing their prior.

He joined with the prior and convent in making the church of Hoveden collegiate.

The distresses of the state, soon after our bishop's accession, grew to a great height. The king, supported by the papal authority in his most extravagant purposes, now exhibited a bull, under which he and his subjects had a dispensation from their oath of observance of the Oxford Provisions. Simon de Montford earl of Leicester had shewn principles tending, as it was conjectured, to lead him to the throne: He assumed the chief authority, and presumed to act without the council or concurrence of the rest of his associates. This soon severed the earl of Gloucester from his interest; he went over to the king, who, under the influence of the pope's dispensation, rejected the administration of the select council, and resumed the reins of government. The king maintained his authority, with great difficulty, for about two years; in which time he lost the support of the earl of Gloucester and several others of his most powerful and sage adherents, who were taken off by death. The earl of Leicester was not only a skilful politician, but also a most assiduous person in such affairs as he engaged in. With every exertion he strove, under the present conjuncture, to encrease his party, and strengthen his

influence; till at length a favourable time appeared for him to declare open war against the king, who was extending his prerogative in every instance, to the hazard of the liberty of the people. Immediately on the insurrection of the barons, with Leicester at their head, the king appointed Robert de Neville captain-general of all his forces north of Trent, sheriff of Yorkshire, and governor of the Castle of York. After Neville's acceptance of this great trust, he wrote to the king's chancellor to request, that sufficient funds might be formed for executing the charge he had assumed, as well as the maintenance of the Castle of Bambrough, which he also then held; to enforce which request, he reported the intelligence he had received, of a descent having been made on the northern parts of Scotland, by the kings of Denmark and Norway, with a powerful fleet; and as their intention was not fully known, there was reason to doubt the district entrusted to his care was in some jeopardy. He also wrote to the king, requesting his royal mandate to the lords Robert de Brus, John Comyn, John Baliol, and Hugh Percy, and his other great barons in the north, commanding them to be aiding in the preservation of peace in the country under his superintendency. The king of Scotland interposed, and exerted his influence to bring about a reconciliation between the king and his barons; but in vain; the invaders, by a fatal battle, and succeeding storm at sea, being totally discomfited, and their disheartened remains having retired from the country, he was at leisure to assist the king of England; and we find the powerful barons above named, who had possessions in both kingdoms, led a large body of Scotch auxiliaries southward for that purpose. They were with the king at the battle of Northampton, where his party prevailed; but the success of that day was soon reversed by the fatal field of Lewes in Sussex, A. D. 1264, where the king, his brother Richard king of Jerusalem, and his gallant son Edward, were all made prisoners, and their army totally routed. Cumin, Brus, and Baliol, were among the prisoners, and almost all the body of troops they led from Scotland were cut off.*

Montford now assumed the supreme power, which he held above a year, governing under the specious character of minister, whilst he had the king in his power, compelling him to put his hand and seal to every instrument he chose to issue. During this period the bishop and prior of Durham were summoned to the parliament held under his influence, A. D. 1264.† Prince

* Matt. Paris.

† Rymer's Fœdera, v. i. p. 802. In the same we find an account of the service of the northern barons, 50th K. Hen. III. p. 835.

Edward having, soon after, regained his liberty, and being joined by several of the most powerful barons, who were grown impatient of Leicester's tyranny and ambition; put an end to his authority at the battle of Evesham, which was fought on the 4th of August 1265, where he fell among the slain.*

Little merit is to be attributed to the king in the series of successes which succeeded this victory; the great military skill and political powers of the king of Jerusalem, with the alacrity, fortitude, and valour of prince Edward, chiefly contributed to the fortunate events which ensued. The earl of Leicester's sons, and others of his accomplices, who escaped the slaughter of Evesham field, in mere despair and disappointed rage, made several vigorous efforts to support their sinking cause, in different parts of the kingdom, which, to delude the people, and palliate their crime, they everywhere declared was not in opposition to the king's right of ruling, but for the redress of national grievances, and to remove arbitrary and oppressive principles, which had crept into government contrary to the constitution, and liberty of the subject: But, notwithstanding the speciousness of the pretext, all parties in the rebellion were soon subdued by the prowess and wise conduct of prince Edward, which everywhere prevailed. The northern barons, who were in Leicester's party, were last of being reduced, they having been treated with great rigour, in the confiscation of their property and forfeiture of their lands, and thence driven to despair. At their head was John de Vesey, lord of Alnwick. On submitting to the prince's clemency, the forfeitures were relaxed, and their property put under a fine.

The earl of Leicester, or Peter de Montford his son, was possessed of the manor of Greatham, within the palatinate of Durham, which by this rebellion became forfeited. The king immediately seized the same, believing, as he sets forth in his grant after mentioned, that such forfeitures belonged to his crown

* A discharge from Henry the Third to Robert Stichill, bishop of Durham, and others, of having performed forty days' military service they owed the king.

Rymer's Fœdera, vol. i. p. 455. Pat. 50. Hen. III. N. 38. A. D. 1266.

De Servitio Baronum Borealium.

Rex omnibus, &c. salutem. Sciatis, quod venerabilis Pater, R. Dunelmensis episcopus, & dilecti & fideles nostri, Peter de Brus, Raduiphus filius Ranulphi, Willielmus Baro de Graistock, & Nicholaus de Bolteby, per preceptum Edwardi primogeniti nostri fecerunt servitium, quod nobis debent, cum dilectis & fidelibus nostris Henrico de Alemannia, Johanne de Balliolo, & ceteris fidelibus nostris, secum in partibus borealibus existentibus, a die Veneris, proxima post festum Sancti Georgii, anno regni nostri 50, usque ad diem Lunæ in Crastino Sanctæ Trinitatis proximo sequentis; videlicet, per quadraginta dies, utraque die computata: De quo quidem servitio ipsos quietos quietamus. In cujus, &c. Teste rege apud Northamton, 25d die Maii.

within the liberties of Durham, equally with those lying out of that jurisdiction; and he gave it to his favourite Thomas de Clare. The bishop prosecuted his claim for this forfeited manor, as being the right of his See, where, under the *jura regalia* of his palatinate, he had a just title to all such forfeited lands, and other things, as the king had in right of his crown in other parts of his realm. And the same being brought before the king's council, the king, by his letters patent to the bishop, setting forth, that at the instance of him, and others his faithful subjects, and by the information of his council, he was given to understand, that he could not make such grant, *without doing wrong to the bishop and his church, and injuring the aforesaid liberty*, in which he had *jura regalia;* and being induced at once to do strict justice, and restore to the bishop his right, he revoked the grant to Clare, and for him and his heirs willed and granted, that the bishop should do his pleasure within the said manor, and others the lands and tenements within his regality, forfeited, and to him escheated, as the king did with other lands forfeited to his crown; declaring, that such before-mentioned grant to Clare should not be made a precedent, or the bishop, or his successors, or their liberty, should be in anywise prejudiced thereby in future. Those letters patent are dated from Stratford the 23d of May, in the 51st year of the king's reign.* By the rehearsals in the before-mentioned royal letters patent, it is shewn, that Greatham was the estate of Peter de Montford; and such authority is preferable to the assertions of some authors, who say the forfeiture

* Dugdale's Hist. Ch. of Durham, p. 76.—Godwin, p. 656.—Camb. Brit. p. 943; vide his Constitutions, MSS. in Barnard's Catalogue, tom. ii. p. 12.

Henricus Dei gra. rex Angliæ, d'nus Hib'niæ, & dux Aquitaine; o'ib's ad quos p'sentes L'ræ p'venerint, salutem. Cum nup'. p't conflictu' habit apud Evesham, de consilio magnatu' & fideliu' n'ror quædam terræ & tenementa inimicoru' & rebelliu' n'roru' in turbac'o'e habit in regno n'ro p' fideles n'ros p'd'cos occupata et seisit. in parliamento n'ro Winton; ut nobis forisfacta in manum n'ra' reddita fuissent. Et nos postmodum, *manerium de Greatham* quod fuit *Petri de Monte-forti* enimici n'ri, et quod est in lib'tate epi. Dun. de Halewarke folke contulissemus dilecto & fideli n'ro *Thomas de Clare, credentes* hu'mo'i colloc'o'em nos *infra lib'tatem p'd'*, sicut alibi in regno n'ro facere posse; ac ad insinuaco'em p'dic epi, & aliot. fidelium n'ror *ac etiam p' concilium n'rum intelleximus*, quod p'd'cam collaco'em facere non possemus *sine p'd'ci epi. et eccl'iæ suæ prejudicio, et lib'tates p'd'cæ læsione (in qua quidem libertate jura regalia habet)* nos unicuiq. justitiam facere, & jus suum tribuere volentes, ut tenemur p'd'cam collaco'em n'ram p' nos f'cam p' nobis & he'dib's n'ris penitus *revocamus*. Volentes & conceden, p' nobis & he'dib's n'ris q'd p'd epu' de manerio p'dico et al. terris & ten. infra *regale* suu' p'd'cum *forisfactis & sibi escætatis faciat volentem suam;* sicut nos de hu'moi terris, nob. forisfactis alibi, faciamus in regno n'ro. *Ita q'd collaco' p'd'ca a nob. de p'd man'io sicut p'd'c'm est. futur. te'pibus in consequentiam non trahatur; ne p'd co epo. vel succ. suis, aut etiam lib'tati sue p'd'ce in aliquo præjudicet in futuro.* In cujus rei testimoniu' has l'ras n'ras fieri fecimus patentes. Teste meipso apud Stratford xxiij die Maij anno regni n'ri quinquagesimo primo.

was derived from Simon earl of Leicester. It appears that the bishop, to secure the title, purchased the claim of Peter de Montford, the son of Peter, which he confirmed by his grant. But what seems most singular is, that, in the deed of foundation of the hospital after mentioned, the bishop doth not set forth, that he came to the manor by forfeiture, but by the grant of Peter, "*Ex dono specialis amici nostri domini Petri de Monteforti ad "divini numinis cultum augmentandum*," *&c.* which tends to depreciate the dignity of the palatinate. If there was any legal doubt of the bishop's not being fully invested with *jura regalia* within the wapentake of Sadberge, in which Greatham lies, then, to cure the defect, the grant from Peter the grandson was a judicious measure; and it seems as if some such doubt had then arisen. The bishop being quieted in this possession, founded an hospital at Greatham, which he dedicated to God, the blessed Mary, and St. Cuthbert, wherein he placed a master, five priests, two clerks, and forty indigent people; and, for the maintenance thereof, granted the manor, with its appendages, together with the advowson of the church, which he exempted from all charges. He also published an indulgence of forty days to such as should contribute thereto. Hugh prior of Durham, with his convent, approved and confirmed this act of the bishop, under their chapter-seal, the 8th of January 1272.*

* For the foundation, &c. vide Greatham, v. ii.

Henricus III. maneriam de Gretham in provint Dunelmensi forisfactum a Petro de Monteforti, dedit Thomæ Clare: quod tamen postea cognitum fuisse Dunelmen. episcopi, ratione juris regalis quod ibidem habebat eidem restitui fecit.——Lel. Col. v. ii. p. 391.

There is much confusion touching Greatham, from whence the bishop derived the estates with which he endowed the hospital. By the records referred to, from the crown, they are declared to come in forfeiture from Peter de Montford. By the grant next succeeding in this note, it appears the bishop purchased them of Peter de Montford's son. Wharton, from Robert de Graystanes, in the Anglia Sacra, p. 742, sets forth, "Nam ipsam villam episcopus emerat a quodam Bertramo cognomine." In the list of knights from Durham at the battle of Lewes, 1264, we find Sir Robert Bertram de Gretham.

CARTA Petri filii domini *Petri de Montforti* militis, de suo Manario de *Gretham* concesso *Roberto Stychill*, Episcopo Dunelmensi.

Sciant præsentes et futuri, quod Ego Petrus filius et hæres quondam domini Petri de Monteforti, dedi cencessi et hac præsenti carta mea confirmavi domino Roberto de Stychill, totum manerium meum de Gretham Dunelmensis diocesios, cum advocatione ecclesiæ ejusdem villæ, homagiis, wardis, releviis, escaetis, redditibus, et serviciis, tam liberorum quam villanorum, et omnibus aliis pertinentiis; tenendum et habendum integraliter et absque aliquo retinemento dicto Roberto suis hæridibus et assignatis libere quiete hæreditarie in perpetuum de capitalibus dominis feodi, faciendo inde dictis dominis servitia debita et consueta: Ego vero Petrus et hæredes mei dicto domino Roberto suis hæredibus et assignatis, totum manerium prædictum cum omnibus pertinentiis ut prædictum est contra omnes homines et fœminas warrantizabimus per servitium prædictum acquietabimus in omnibus et per omnia defendemus: Et ut hæc mea donatio concessio et præsentis cartæ confirmatio robur firmitatis obti-

All matters being settled towards a re-establishment of domestic peace in England, prince Edward set out upon a crusade in the year 1270, but, before his return, received intelligence of the death of the king his father, who had enjoyed four years' repose after the suppression of so formidable a rebellion; and during that time his subjects, under the prudent administration of those who brought about the happy reverse of the king's estate, enjoyed their liberties in peace. The king departed this life at St. Edmundsbury, on the 16th day of November, 1272, in the 64th year of his age, and 56th of his reign. So much has occurred in the preceding pages to distinguish this prince's character, that it is needless to repeat any of those striking traits which have already appeared.

A manuscript, said to be found in lord Conier's study, sets forth the names of many knights of the bishopric of Durham, between Tyne and Tees, at the battle of Lewes; but, unfortunately, it is not said on whose side they were, though, from circumstances, it is probable they were for the king, and principally, that the forfeiture of Peter de Montfort, before mentioned, is the only one recorded. John Baliol and Robert Brus were prisoners in that battle, and neither their names, or the name of Peter de Montfort are in this list. But be it true or false as to the occasion, it is curious, as comprehending the names and places of residence of the chief men of that time.§

neat inperpetuum præsentibus Sigillum meum apposui; hiis testibus, magistris * Rogero Seyton tunc domini regis justiciario, Rogero de Cana tunc domini Dunelmensis cancellario, dominis † Galfrido Russell tunc senescallo Dunelm. Thoma de Huck, Willielmo de Ryther, Rogero de Butterley, Ricardo Harpyn, Willielmo filio suo, Thoma de Whitworth, Gilberto de Heworth, Roberto de Brunnyinghill, Alexandro de Bydick, ‡ Laurentio de Lynce, et aliis.

This circumstance will require the judicious reader's attention, on a review of all the grants to the See, particularly those that carry the *jura regalia*, that he may determine a point the author wishes not to give any definitive judgment on, whether the bishop's *jura regalia*, at this period, extended into the wapentake of Sadberge.

* Roger de Seyton was Justice of the Common Pleas from 1269 to 1275. In 1274, he, with Hugh de Derlington, prior of Durham, were bound for the executors of Robert Stichill, bishop of Durham (who died 12th August 1274) to pay his debts to the king, and perform his will.———Summary part of Rapin's Hist. England vol. v. p. 255. and Prynn's Papal Usurpations, 134.

† Galfridus Russell, by his charter 1274, founded a chantery for one chaplain in the chapel of St. Mary Magdalene, at Cotum Amundeville upon Scyrn in the parish of Haughton, to pray for the souls of Tho. de Amundeville. Ralph his father, and Clare his mother; which chapel is now totally gone down, and no remains left. Ex Autograph, penes Geo. Allan.

‡ Laurence de Lynce was sheriff of Durham in 1274.

§ In bishop Pudsey's survey book, called the Boldon Buke, deposited in the auditor's office in Durham, as an additional entry, we find the list of knights in 1264 thus set forth (p. 135).

A List of the Names of many KNIGHTS *of the* BISHOPRIC *of* DURHAM, *between the Tyne and Tees, who were at the Battle of* LEWES, *in the Reign of* HENRY III. 1264.

Sir Ra. Bailiffe (Baliol) de Barnard Castle
Sir Hugh, his son, de Sellabie
Sir Eust. Bailiffe (Baliol) de Querrington.
Sir Robert Neville de Rabie
Sir Walter Audice (Audrey) de Croxdell
*Sir Robert Hilton de Hilton
Sir Mark Fitch (Marmaduke Fitz-Geffray) de Silksworth
Sir Robert Bertram de Gretham
Sir William Steeny de Tunstall
Sir William Herrington de Herrington (Herverton)
Sir William Basset de Ufferton
Sir Richard Yreland (Yheland) de Ravensholme
Sir Hugh Gaston (Gabion) de Tudhouse (Tudhowe)
Sir Ralph Standlaw de Standlaw
Sir Walter Witton de Edgeknowl (Edisknull)
Sir William Heswell de Heswell
Sir John Bradley de Frosterley
Sir Henry Mosely (Merlay) de Heakeld (Heafield)
Sir William Heyton (Hearon) de Mickel Chilton
Sir John Farnercroft (Farnecroft) de Cockside (de Farnecroft)
Sir Wil. Yreland (Yheland) de Seaham
Sir John Gilford de Colierly
Sir Roger Eppleden de Eppengdon
Sir Walter Ludworth de Ludworth
Sir John Raington de Sherington (or Roungton de Monkton)
Sir William Fitz-Mondye de Brereton (or Meundie de Sheorton)
Sir William Karrow de Seaton Karrow, in parochia de Stranton
*Sir Roger Lumley de Lumley
Sir Jeffery Park de Blakeston
Sir Adam Fulthorpe de Fulthorpe
Sir Hugh Choppell de Vineyeard
Sir John Egglescliffe de Egglescliffe
Sir Ralph Coatham de Coatham
Sir Thomas Aysaliby de Aslaby
Sir Henry Rowlee de Elton
Sir Simon Morton de Morton (East Morton)
Sir Randolf Fishburn de Fishburn
Sir William Monsfort de Blakemargt. (perhaps *Masters de Brackenburg*)
*Sir Ralph Surtees de Bytonsal (Bitersal alias Dinsdale
Sir Ralph Middleton de Hatton (de Little Haughton)

(Those names, &c. in Italics, vary from the copy given in the text.)

Les nomes des Chivallers demorantes en le Franchise de Duresme demy Tyne et Teys, q. furent a Baner en le temps le Roy Henry fitz le Roy John, a le Bataille de Lewes, entre launt dit Roy Henry & Sir Symond de Montford Comite de Leicestre, & Comits & Barons q. furent evesq. luy.

John de Bailiof demorants a Chastell Bernard
Hugh de Bailliof son fitz a Selehy
Eustace de Bailliof dem'ant a Querundon
Robert de Nevill a Raby
Robert de Amondevill a Wotton in Werdale.
Walter de Audrey a Brunynghill
Gilbert Hanserd a Walworth
Piers de Bruys a Hert
Robert son fitz a Thoreston
*Robert de Hilton a Hilton
Marmaduke fitz Geoffrey a Silksworth
Roger Bertram a Gretham.

*Sir Jeffrey Conyers de Socburne
Sir John Coilet (Gilet) de Barmeston (Barmeton)
Sir John Morden de Morden
Sir Hugh Interton (Puncherden) de Thickly
Sir Henry Spring de Houghton-le-Spring (mar. the d. and h. of Rog. Bernard)
Sir Hugh Burdon de Grindon
* Sir Gilbert Hedworth de Hedworth (Heworth)
Sir Thomas Wadworth de Wadworth (Whaworth de Whaworth)
Sir Roger Barnard de Hemington (Elmeden)
Sir Adam Boltbie at Bolam (Bothby)
Sir John Emelden at Shipley (Sheeply)
* Sir Roland Belassis at Bewly (Bellasis,) mar. Mary d. of Sir Hugh Spring)
Sir Ad. Fitz-John at Kimston (Kawston)
Sir Rowland Tracye (Traine) at Search (Streatlem)
Sir William Valveasour at Cockfield
Sir Richard Chamlot (Chauncellor) at Brafferton
Sir William Weshington at Weshington
Sir Robert Wildbore (Wilbord alias Wybord) at Somerhouse
Sir Nicholes Choley (Audley at Langley
Sir John Gainsford (Graunsford) at Hawthorn
Sir John Egleston at Egleston
Sir Hugh Moubray (Mauberney) at Sledwish
Sir Jordan Dalden at Dalden
Sir John Bulmer at Thorp Bulmer
Sir John Landsilke (Loundsdall) at Grindon
Sir John Dellebert (Delaprat alias Delabrat) at Maxmire (of Papnam, or Rapner)
Sir Nich. Lamdan (Hadham) at Seeham

Lez nomes dez Chivallers q. ne furent a Baner.

William de Heryngton a Herverton
William Bisset a Offerton
Richard de Yeland a Ravenshelme
Hugh de Gubyon a Tudhowe
Ranulph de Stanlawe a Stanlawe
Walt. de Wotton a Edisknoll
William de Heswell a Hesswell
Thomas de *Bardolf* a Frosterly
Henry de *Merley* a Herkeld
Jurden Heron de Gante Chilton
Jurdan de Eschouland a Conkysheved
John de Ferneacres a Seham
John Gilford a Colyerley
* Roger Lomley a Lomley
John de Monkton a Shriweton
Roger Epplynden a *Epplynden*
Walter de Ludworth a Ludworth
William de Trenyers a Brerton
Walter de Karrowe a Seton Carrowe
Geffray de Park a *Blaxton*
Adam Fulthorpe a Fulthorpe
Hugh de Chopell a Wynyard
William de Eggisclyff a Eggysclyff
Rauff de Cotom a Cotom
Tho. de Aslakby a Aslakby
Hen. de *Ewe* Elleton
Walter Arsy (p'd' Arcy a Langneuton
Rycherd Harpyn a Shotton
William fitz Randolf a Conseclyff
Richard de Langton a Langton
John de *Creseby* a Stranton
Gilbert de Laton a Laton
William de Caune a Elmden
Simon de *Bromptoft* a Bromptoft
William de Muscres a Bradburey
*Rauff Surteys a *Didynsale*
Simon de More a Moreton
Randof de Fyshburne a Fyshburne
Rauff de Middleton a *Petit Halghton*
John de Morton a Morton
*Humphrey de Conyers a Socburn
Evayne de Puncherdon a Thikley
Henry Spring a Houghton
Hugh de Burdon a Grendon
Gilbert de Heworth a Heworth
Tho. de Quytworth a Quytworth
Roger Bernard a Helmden
Adam Boltby a Bolam

Sir Richard Chilton at Little Chilton
Sir Humphrey Towers at Brafferton
Sir Walter Crase (Karsey, alias Darsey) at Long Newton
Sir Rich. Hepping (Heppen) de Shotton
*Sir Barnard Lambton de Lambton
Sir Gilbert Layton de Layton
Sir Bertram Mubancher (Mawboucher) at Bewis (Beamish)
Sir Wil. Fitz-Randolph at Conscliffe
Sir John Gersey (Jersey) at Stranton
Sir Wil. Cabaney at Elpden (Eppleden)
Sir Richard Langton de Langton.*
In a printed copy I find Sir Simon Burnloft de Burnloft

The bishop survived his sovereign two years. The pope convened a council at Lyons, in the month of May 1274, at which the bishop was present; but, on his return, being seized with a mortal disease, he died at the Castle of Abypeyllis, on the 4th of August, and was interred in a monastery of the Benedictine order, near that place: His heart was sent to Durham, and deposited in the chapter-house, among his predecessors. He appears to have steered clear of all the troubles of the reign of Henry III. After the few formalities of his prerogative were settled, he lived in cordiality with the convent, and joined in their religious works. The foundation of Greatham Hospital shews his piety, and moderation as to riches; as he did not suffer that great possession to encrease the revenues of the See.†

John de Hamyldon a Shipley
Adam fitz John a Kevyrson
Robert Traynes a Stretlam
William Vavasar a Cokfeld
Richerd Chauncellor a Braffirton
Robert Wylbore a Somerhouse
Nicholl Aubolyne a Langley
John Graunsard a Haughthorn
John de Eggilston a Eggilston
Hugh de Mauburn a Sledmyr
Walter de Weshyngton a Weshyngton
Jurden de Dalden a Dalden
Richerd Dalden a Thorpbulmer
John Bulmer a Thorpbulmer
Adam Lumseden a Grendon
John de le Ley a Povyllon
Nicholl de Hadham a Seham
Richerd de Chartmay a Hurworth sur Teys
William de le Ley a Taundfeld
Richard de Chilton a Petit Chilton
John Gylet a Bermeton
Humphrey de l' Tours a Brafferton
William Turnay a Tunstall
Bertrame Mouboucher a Bewmys
William de Herez a Claxton.

No mention in this list of Lambton of Lambton.———Randal's MSS.

By comparing the two lists, much variation arises. This extract though taken from the Boldon Book, is not placed there as an authentic record; but as it agrees much better with the names of persons whom, in the course of this work, we shall find possessed of the chief estates in the county, I am inclined to give more credit to it than the list set out in the text.

* The above list, with remarks, is taken from Randall's MSS. and those marked with a star, are the only families whose descendents are now living in the county.

† Lel. Col. v. ii. p. 333.—R. de Graystanes.—Ang. Sac. p. 742.
Robert Stichill, bishop.—Elected 30th Sept. A. D. 1260; consecrated 13th Feb. 1261; ob. 4th Aug. 1274.

In this bishop's time the prior added a large belfry to the church at Durham, improved the organ, emparked the lands of Beaurepaire, or Bearpark, and Muggleswick, and erected at the latter place a camera, or lodge; also one at Wardelaw, with a hall and chapel, which were afterwards destroyed upon an incursion of the Scots.

In the year 1272 prior Hugh resigned his office; and Richard de Claxton, then prior of Holy Island, succeeded him.

It was almost two years after the death of the king before prince Edward arrived in England. He ascended the throne with the universal esteem and approbation of his people, his early life having exhibited so much heroic virtue and magnanimity of soul. He and his queen were crowned on the 9th day of August 1274.

Before Edward's arrival in England, pope Gregory sent his nuncio to compel the payment of two years dismes by the ecclesiastics, out of their temporal effects and ecclesiastical benefices, for the use of the king and his brother, as he alledged; but, in truth, the same was destined as a prey to the See of Rome.* Several of the ecclesiastical bodies refused to comply, notwithstanding the threatened thunders of excommunication. The nuncio applied by letter to the king's chancellor, for his mandate to the sheriffs to levy the same; whereupon he issued his writ to the guardians of the bishopric of Durham, the See being vacant; John de Lovetot and Jeffrey de Newbald then had custody thereof, by virtue of the king's writ. The executors of bishop Stichill, having put in pledges to satisfy all debts owing to the king, he issued his writ to the before-named guardians, for free administration of his goods, and reaping the corn he had sown.†

The king's coronation happening during the vacancy of the See, and the king of Scotland and his queen being summoned to attend that ceremony, they were entitled to the stipulated allow-

Officers of the See during the Time of Bishop Stichill.

High Sheriffs,—John Gylet; Alex. de Bydyk, (Grey's MSS. oc. 1260;) Laurence de Lyntz, or Lynce, oc. 1273.

Temporal Chancellors,—Roger de Cave. Job. Gyleth; Richardus————; Rob. Avenel, oc. 1266 and 1274, 1281, 1282, 1283, was prebend of Hoveden, and one of prior Claxton's proctors, with Sir Rob. de Insula prior of Finchale, and Sir William de Masham prior of Stamford, to the council of Leydanum, in May 1274, to excuse his absence,

Constables of the Castle,—D'n's Rog. Bernard, 1260.
D'n's W. Whiteby, 1274.

Seneschals,—Joh. de Egescliff, 1260.
Rich. de Chanceller, 1267.
D'n's Geoffrey Russel, 1269;—Mag. Rog'us de Seaton, Will'us de Northborough, and Galfr'us Russel tunc Senescallus Dun. oc. justiciarii itinerantes ad Dun. Rob'ti Stichill epi Dun. xjo. 1270.—*Randal's MSS.*

* H. Westm.—Prynn, v. iii. p. 153, 134. † Ibid.

ance from the bishopric of Durham, for the expences of their journey, which amounted to 175*£*. and was paid by the king's receivers, out of the revenues of the See, after the rate of 100s. *per diem.**

A licence was obtained from the king to elect a prelate; and, on the 24th of September 1274,

ROBERT DE INSULA,

(alias Halieland,) then prior of Finchale, was chosen bishop of this See. Robert de Graystanes says, he was examined, and his election enquired of, by Walter Giffard archbishop of York, at Ripon, on the 21st day of October, when a day was assigned for his confirmation, being the vigil of All Saints, in the church at Durham. This is the first instance that has occurred, in our church historians, of the ceremony of examination of the bishop of Durham, previous to confirmation. The temporalities were restored to him by the king's writ, dated the eleventh day of November; and he was consecrated at York, by the same archbishop, on the ninth day of December following.‡

On the day previous to that assigned for the bishop's confirmation, the archbishop commenced the duty of visitor of the convent of Durham; which afterwards occasioned much controversy, to the great disgrace of religion: To which succeeded various acts of authority, which he was studious of usurping, and

* Rymer's Fed. v. ii. p. 42 —M. Dunelm. B. W. 57, fo 70, in biblioth. dec. & cap.

In fine tractatus prime (in hoc m'scripto) hæc nota adjicitur (non tamen a manu prima) quam vel ideo exscribere libuit, quia† præcipuorum aliquot eo t'p'e monachorum hujus Cœnobii nomina exhibet.

Anno a nativitate Domini 1269, presbiter ordinatus a venerabili ep'o D'n'o Rob'to de Stichill, permittente Domp'no Hugone (de Derlington) tunc priore Dunelme. Rich. de Claxton suppriore (priore fuit anno 1275) Rogero de Medlay elemosinario & 3 priore. Roberto de Insula sacristo (successit Rob'to de Stichill in ep'atu anno 1274) Joh'e de Haxby bursario, Nic. de Hexteld hostillario, R'c'do de Escrick camerario, Hen. de Horncast. terrario: Videlicet ad scitentes in quadragesima anno conversionis quarto.

Si hæc nota ob auctore est, habemus hic scriptorem monachum Dunelmensem & ætatem qua vixit (ut censent R.———Randal's MSS.

† Rudd.

‡ Rex militibus, liberis hominibus, & omnibus aliis tenentibus de epat'u Dunelm, salutem. Cum venerabilis pater W. Ebor archiepiscopus Angl. primas, electionem nuper celebratam in ecclesia cathedrali Dunelm, de discreto viro frate Roberto de Insula, priore de Finkehall in episcopum Dunelm. Cui prius regium assensum adhibuimus & favorem, confirmaverit, sicut per literas dicti archiepiscopi plenius intelleximus cepimus fidelitatem ipsius electi, & temporalia dicti episcopatus, cum omnibus pertinentis suis ei reddimus. Et ideo vobis mandamus quod idem electo tanquam domino vestro, in omnibus quæ ad episcopatum illum pertinent, de cetero intendentis sitis & respondentes ficut prædictum est. In cujus &c.

Et mandatum est Johanni de Lovetot & Gilfrido de Newband, custodibus prædicti episcopatus, quod idem electo vel certo attornato suo *prædictum espiscopatum cum Castris & omnibus aliis pertinentiis suis liberent fine mora.* In cujus &c. Teste rege apud Northamp. 11 die Nov.—Prynn, v. iii. p. 155.—Pat. 2. Edw. I. m. 7. *Indus de temporalibus,* &c.

with great assiduity attempted to establish. A relation of the various circumstances would be tedious and disinteresting; and the inquisitive may find an account of them in Graystanes.*

The bisbop held a synod in his diocese, in the fifth year of the king's reign; and, by virtue of his episcopal authority, compiled and published sundry constitutions, concerning the payment of tithes and mortuaries, and denounced a solemn excommunication against those who should obstruct the performance thereof.†

The king, after his parliament and convocation held at Northampton in the eleventh year of his reign, issued his precepts to the archbishop of York and bishop of Durham, to grant him a competent aid of money for his expedition against Wales; and appointed Thomas de Mandeville, and Hen. de Newark archdeacon of Richmond, to demand and receive the same in this province.‡

The year succeeding Edward's coronation proved fatal to the queen of Scotland; on whose death the amicable principles, which had long been maintained between the two kingdoms, were much infringed, and the borderers began to renew their acts of violence, which occasioned the king of Scotland, in the following year, to complain of the excesses committed by the officers of the crown of England on the marches;§ on which errand envoys were sent from the court of Scotland. On the other hand the bishop of Durham complained to the king of encroachments made in his territory; on which Edward sent letters to the Scottish court, admonishing the king not to attempt extending his march beyond the established limits,‖ as he wished to maintain the peace which then subsisted between the states. To refute this complaint, the king of Scotland sent ambassadors to Edward, viz. the bishops of St. Andrew's and Dumblane, Robert de Brus earl of Carrick, and Richard de Stratun, who avouched in the name of their sovereign, that no encroachments had been made on the possessions of the bishopric; but, in order to an amicable adjusment, proposed that the charge should be referred to men of knowledge, chosen by each party, agreeable to the laws of the march; and added, they were commanded by the king their master to request him, as a brother and ally, not to give ear to any

* Rob. de Graystanes —Ang. Sac. p. 743.

† A Spelmanni concilia, tom. ii. p. 316 to 320.—Prynn, v. iii. p. 193. "All their constitutions, synods, and sentences of excommunication, tending principally to advance their own episcopal constitutions, canons, jurisdictions, privileges, church liberties, usurpations on the king's royal prerogative, ecclesiastical and temporal jurisdiction, and his lay subjects' rights, properties, franchises; not God's true worship, honour, service, or salvation of the people's souls, which they seldom really minded, or publicly promoted in their synods in this age, or long before it," Such are the words of this warm party writer.

‡ Rot. Walliæ 2 Edw. I. m. 4.—Prynn, v. iii. p. 302.

§ Rymer, v. ii. p. 1064, &c. ‖ Ibid. p. 86.

person who sought to disturb him in his rights and possessions, which he and his ancestors had so long enjoyed.

Alexander king of Scotland did his homage to the king of England, in the presence of the English parliament, at the palace of Westminister; and the matter in dispute between him and the bishop was brought before the same parliament, and afterwards heard, by Edward and his council, in the presence of delegates assigned by the king of Scotland for that purpose, when some articles were agreed on for terminating that suit. But, in order to a final determination, the presence of proper parties was necessary upon the ground in question, to judge with precission on the nature of the bishop's complaint: To this end the king appointed the bishop of Norwich, John de Vesey, Rob. de Scardeburg, and Thomas de Normanville, to repair to places in Northumberland contiguous to the disputed lands, and there hear, reform, and terminate the matter, according to what was concluded and agreed in the English parliament and council, and as to their own discretion should seem just. The commission also commands the sheriff of Northumberland to cause such knights to attend them, at the times and places they should appoint, as might be necessary for the better discovery of the truth in this matter.* Fordun mentions the sheriff of Newcastle as one attending in this commission. The commissioners came to Tweedmouth, accompanied by the bishop of Durham, where they were met by the bishops of St. Andrew's, Glasgow, and Dumblane, together with several nobles and earls of Scotland, who came to treat of the matter. But the king of England's commission not giving liberty for any negociation, but being a positive power to determine singly, it is probable the Scots would remonstrate against so arbitrary a mode, which implied an entire sovereignty in the king of England; and, indeed, it appears evident that king Edward was then conceiving a plan of that tendency, to which he was encouraged by his successes against Wales. This conjecture is supported by the instructions† to the bishop of Norwich, to make diligent enquiry concerning the homage of king Alexander's predecessors, and all circumstances relative to it, in the most cautious and secret manner he could; but to take no steps about it, without a special order from the king. Probably, in consequence of those instructions, the papers in the archives of Edinburgh were inspected by some agent of the king of England, and the catalogue was then obtained which appears in Rymer, vol. ii. p. 215. &c.

In the period of time during which the bishop presided in this See, Edward, after putting in execution many salutary measures

* Ibid. p. 130. † Ibid.

for reforming the abuses which had taken place in government, and sending forth trusty officers to dispense impartial justice, and punish breaches of the law, he employed his attention principally against Wales; in the event reducing that state to due submission: To this purpose he issued his mandate to the bishops, to send their quota of men into the field.* His next care was to reform the coin, which had suffered great mutilations by the Jews, and was much debased by counterfeits. As to the coin of this palatinate, Mr Noble says, in the reign of Edward, "there was both "a royal and palatinate mint in Durham; the pennies coined in "the latter have some little distinctions, which not only point out "that they were the bishop's money, but likewise fix to which "prelate they belonged. It will be necessary to observe, that the "money of the three first kings of the name of Edward, after the "conquest, is thus distinguished: the First has his name, in the "legends of his money, always EDW. only; Edward the Se- "cond has EDWA. EDWAR. and EDWARD; and Edward "the Third has generally EDWARDVS.†

"Bishop Stichill dying before the great coinage, A. D. 1279,‡ "when the legend of the reverse of the English money was al- "tered, from having the mint master's name, and *villa*, or *civitas*, "was taken in its stead;§ and bishop Insula, soon after, may ac- "count for our not having any of their money, at least that we "can distinguish to be such, for the reason before given.

The chief glory of this part of Edward's reign was the salutary statute of Mortmain, whereby all persons were forbid to dispose of their estates to societies which never die, without the king's express consent. The See of Durham, among others, was affected thereby; but the diminution of a power which had already increased to an incredible height, as will be shewn in the succeeding prelate's life, and which threatened the state with little less than dissolution had it proceeded, was one of the wisest measures of this illustrious reign. The sovereign had a competent apprehension of the danger impending over the state, if a speedy stop was not put to the enormous growth of church possessions. It was demonstrated to him, that, in process of time, all the lands

* Edvardus D. G. &c. venerabili in Christo, &c. Quia Lewellinus filius Griffini princeps Walliæ, &c. Rebelles, &c. Vobis mandamus quod dictis die & loco habeatis, *servitium vestrum nobis debitum* paratum ad proficiscendum nobiscum exinde in expeditione nostram contra prædictum Lewelinum & complices suos Rebelles nostros. Teste meipse apud Winsor 12° die Decembris anno regni n'ri quinto.—Conv. Lit. t. ii. p. 74.

† Dr Sharp archbishop of York's manuscript Account of English Money; Mr Leake's Historical Account of English Money; and Mr Snelling's View of the Silver Coinage of England.

‡ Stow's Chronicle, p. 200 and 201.

§ Mr Leak's Historical Account of English money, p. 80 and 81.

of the kingdom would be in the hands of ecclesiastics, if people were still suffered to alienate their effects to the church, which, never dying, always acquiring, and never alienating, discovered, to common observation, a consequence of the most alarming nature; to remedy which this statute was devised, and received by the people with infinite joy, whereby estates were prevented falling into hands, in a temporal sense, of no service to the king and the public. As perfection is not permitted to bless human life, the next remarkable statute of this reign had its evil consequences, though founded on just and noble principles, called the statute of *Quo warranto*, which enabled the crown to enquire into the exercise of franchises and the possession of estates, where the ostensible party was suspected of injurious usurpation. But this subject has no immediate relation to the history of this province, in which is no record of our bishop's exercise of the powers of that statute, or of the king's, till the time of the succeeding bishop. The reduction of Wales, and the extinction of the royal race of that principality, fully occupied the remaining part of the period of our prelate's life; an uninterrupted peace subsisting with Scotland.

The bishop appropriated the church of Middleham to Finchale priory, in augmentation of six monks. He gave the advowson of the church of Meldon to the prior and convent of Durham, receiving in exchange the entire presentation to Waldenestow church, in Licoln diocese, to which the bishop and prior used to present by turns. He granted to the prior and convent of Durham, free warren and woods in Billinghamshire. Having treated of more important matters, Graystanes descends to those less significant, and speaks of this bishop's great filial piety towards his mother; and also the aversion he had to drinking beer, which occasions him to introduce the prelate's apology for this dislike, which, as expressive of his modesty of mind, may be repeated. Being sick with some beer served to him at Norham, "You see," says he, "the consequence of habit: You know from whence I "am descended: I do not derive a love of wine from my ances- "tors or parents: Custom alone has habituated it to my consti- "tution."

The Castle of Middleham was now become, occasionally, the place of our prelate's residence; and there the bishop departed this life on the 7th of June 1283. He was interred in the chapter-house at Durham. His tomb-stone is described as being decently ornamented with sculpture. At his funeral, his seal was

publicly broken by R. Avenel his chancellor. He is named among the benefactors to the University of Cambridge.*

The See continued vacant one month after the death of bishop Robert de Insula. During this interval the custody of the temporalities, with the castles and other appendages of the bishopric, was granted, by the king's letters patent, to Guischard de Charron, and Malcolm de Harleigh,† who, during the short period of their guardianship, paid into the king's exchequer 1303*£*. 6s. 8d. received out of the revenues of the See.‡

During the vacancy the archbishop of York continued to persecute the convent with his visitorial pretensions, to the great scandal of his high office. On the 8th day of July, coming to Durham on the above-mentioned duty, and claiming to exercise a right of visitation, he was denied admittance to the cathedral church; on which he went to the church of St Nicholas, and was proceeding to pronounce an excommunication against the prior and convent, when a body of young men, belonging to the borough, opposed him in so clamorous and violent a manner, that they terrified the archbishop from his purpose, and put him in such bodily fear, that, escaping from the pulpit, he fled down the stairs which led to the schools with all possible privacy, and made the utmost expedition to the water side, near Kypier. The ridiculous figure the prelate made in his flight was much encreased by the populace having cut off one of the ears of his palfrey. The mob was so violent, that, if two persons of authority, Wynchard de Charron, one of the king's commissioners and guardians of the See, and Peter de Thoresby, the temporal chancellor, had not interposed, it is probable the enraged populace would have put the prelate to death. The Vicar of St. Oswald's (Elvet,) attaching himself to the archbishop in this affair, was deprived and

* Robert de Graystanes.—Ang. Sac. p. 742, &c.

The See vacant:

John de Loveton, and Geoffrey de Newbald, appointed guardians in August or September 1274. A° 2° Ed. I.

Robert de Insula, bishop:—Elected 24th September A. D. 1274; temporalities restored, 11th Nov. 1274: ob. June 7th or 13th 1283.

Officers of the See during the Time of Bishop Robert de Insula.

High Sheriff,—John de Malton.

Walterus de Saivage.———Grey's MSS.

Temporal Chancellor,—Roger de Cave.

Robert de Avenel. Oc. 1283. Rector of Stamfordham. Prebd. of Auckland.—Vide. M. A. v. iii.

Seneschal,—Guyschard de Charron. 5th Hen. III. 1220. John de D. S. of Pet. de Dreux earl of Richmond had liberty of the said earldom of Richmond by Guyschard de Charron, a servant to Pet. de Savoy, uncle of Q. Alianore, who was authorised thereunto.—Dugd. Bar. v. i. p. 51.

Attorney-General,—William de Gisilham was appointed (says Dugdale) le premier attorney-general de roy. 7th K. Ed. I. 1279.———Randal's MSS.

† Prynn, v. iii. p. 307. ‡ Ibid.—Rob. de Grayst.—Ang. Sac. p. 746.

never after restored. Much litigation ensued, on which the archbishop made a journey to Rome, and died there, which put an end to the unhappy business.

A licence having been obtained from the crown for the election of a bishop,

ANTHONY BEK, *alias* BEAK,

was nominated by the convent, a person in great favour at court, holding the office of secretary to the king. No certain information is had touching his extraction* or education; but, previous to his election to this prelacy, he enjoyed much church preferment; for, besides the archdeaconry of Durham, which he held at the time of his election in the year 1279, he held five ecclesiastical benefices, with cure of souls, in the province of Canterbury. He was chosen by the convent on the 9th day of July 1283; had the king's confirmation on the 28th of August; on the 4th of September he received restitution of the temporalities by the king's writ, and also possession of the corn, cattle, and effects of the preceding bishop, purchased by the crown of his executors, and now sold to bishop Bek;† and he was consecrated, in the presence of the king and several of the nobles, by William Wickwane archbishop of York, at St Peter's in York, on the 9th day of January following. In consequence of the dispute between the archbishop and convent of Durham, the archbishop obliged the prior to go out of the church during the ceremony of consecration; and, the next day, enjoined the new bishop, upon his declaration of canonical obedience, to excommunicate the prior and heads of the convent: but he refused, saying, "I was conse-"crated their bishop yesterday, and shall I excommunicate them "to-day? No profession of obedience shall induce me to so in-"consistent an act." He was not enthroned until Christmas eve, 1285; on which occasion, a dispute arising between the prior and the official of York about the right of performing that ceremony, the prior insisting, that, as the like office was performed at York by the dean, by the ordinances of the church of Durham, it consequently followed, that at Durham it ought to be done by the prior. But the bishop, unwilling to delay the solemnity of his installation on account of their dispute, and that preference might be given to neither party, the ceremony was performed by the bishop's brother, Thomas Bek bishop of St David's; and in

* Brother of Walter de Bek lord of Eresby in the county of Lincoln, and Rector of Eresby, in 1272.—Dugdale's Bar. v. i. p. 426.——Archdeacon of Dorset, 1275.——Rymer's Fæd. v. i p 47.

† Prynn, l. iii. p. 307.—Ang. Sac. p. 745.

commemoration of the event, he presented, on the day of St John the Evangelist, two pieces of rich embroidery on stuff of gold, called Baudekyns, for the ornament of the high altar on the day of the Nativity, on which were wrought an historical representation of our Saviour's birth.*

It it necessary to make a retrospection, touching some events which were previous to this prelate's election, duly to bring forward his public character in the state to the reader's attention. The royal family of Scotland had sustained a multitude of fatal shocks. Alexander III. in the first instance, lost his youngest son David; there then remaining to him his eldest son Alexander, and a daughter Margaret, who married Eric king of Norway, but, in less than two years, departed this life, leaving issue only one child, called after her mother. The prince royal of Scotland, soon after the marriage of his sister, espoused the daughter of the earl of Flanders, but died in the 20th year of his age; so that the royal race was now reduced to the infant princess of Norway. The king of Scotland in hopes of further issue, married Julet daughter of the count de Dreux, a lady of great beauty and fine accomplishment: but the unhappy fatalities destined for this family, were not yet completed. In the ensuing spring the king was killed by a fall from his horse near the town of Kinghorn, leaving no issue by his queen; on which event Margaret, the infant princess of Norway, was declared by the states next heir to the crown; and a regency was established accordingly. The king of England immediately conceived a design of uniting the kingdoms; to which end he proposed a marriage between his son Edward and the princess Margaret, and he obtained the pope's dispensation, as they were within the prohibited degrees of consanguinity. It appears that the intended marriage was highly acceptable to the states of Scotland, who whilst assembled at Brigham on Tweed, assented to the proposal by their letter to the king, signed by 12 bishops, 12 earls, 23 abbots, 11 priors, and 50 barons. All the regents were included in the number of subscribers. To negociate this matter with Eric king of Norway, the bishop of Durham, with Henry de Newark dean of York, John earl Warren, and Robert bishop of Glasgow, were appointed by the king's commission, with powers to contract marriage between the parties.† Two singular obligations appear in this negociation; the one is from the king for payment of 3000 marks to the guardians of Scotland, if the queen of Scotland did not arrive before a day stipulated, which the bishop of Durham engaged to the states of Scotland to obtain: The other is an

* Rob. de Graystanes.—Ang. Sac. p. 747.
† Prynn, v. iii. p. 398. Pat. 18, Ed. I. m. 9.

obligation entered into by the bishop, at the king's instance, for the payment of 400£. a-year to certain persons in Norway, until the princess Margaret attained the age of fifteen years; and, in compensation, the king granted to the bishop various manors, among which Werk is one. This latter looks like the price of some political corruption.* The states assembled at Brigham made certain requisitions to the king relative to the state of their country, which the king, by his commission to the bishop of Durham, Ralph bishop of Carlisle, the earls of Warren and Lincoln, William Vescy of Alnwick, knight and Henry Newark dean of York, impowered them fully to answer, who met the estates in the middle of July following, 1290, and solemnly assented, in their sovereign's name, to every matter required on the behalf of Scotland, and the same were ratified in due time by the king.

On these matters being settled to the satifaction of the people of Scotland, king Edward, in consequence of his obligation, by which he ratified the concessions made in his name at Brigham, and which bound him to the observance of the laws and customs of that kingdom, appointed a lord-lieutenant of Scotland, in the name of the young queen and her intended husband. The bishop of Durham was the person on whom he conferred this dignity, who, by the commission, was denominated the *locum-tenens* of the lady Margarate queen of Scotland, and Edward his son, to administer justice and govern the kingdom, together with the guardians of the state, with the council of the prelates and nobles, and according to the established laws and customs of the realm.†

A flattering prospect was opened for extinguishing the unhappy dissentions which for ages had prevailed between the two nations, for establishing a union of the people, and subjecting the whole island under one sovereign, with the universal approbation of the subjects of both states. Edward and his descendants would thus have obtained, in the happiest manner, an increase of dominion more worthy of their ambition than any other. The inward peace of the island would have been secured, and those cruel and repeated warfares prevented, which had so often embrued the frontiers of both kingdoms in blood, and rendered them monuments to posterity of the most brutal cruelties and acts of savage inhumanity. But the hour which Providence had marked for so happy an event was yet at a great distance: The flattering

* Ibid. p. 399. Pat. 18. Ed. I. m. 8.

† Prynn, v. iii. p. 398.—Rymer's Fœdera, v. ii. 487, 491.

The reader will observe, that every instrument in the Fœdera is noted which has any relation to the county of Durham, so that he may readily apply thereto for further satisfaction. Of such articles as are most momentous, long extracts will be found in the progress of this work.

hopes of both nations were at once crushed by the hand of fate, in the death of the princess, who breathed her last in one of the Orkney islands, as she approached her dominions.

The king of England's impetuous mind could not resign itself to this event: he had fixed too earnest an attention on the desired acquisition to relinquish the favourite wish of encreasing his dominions by annexing Scotland to his crown. His ambition was roused, and his hope was too ardent to be extinguished by one stroke of fate. He formed a resolution to possess the first favourable opportunity for reducing the state by arms. He foresaw that a number of competitors for the crown would appear, as an hereditary claim must be deduced from distant ancestry, and therefore lay upon his guard, to act in the design as circumstances might arise conducive to an accomplishment of his project. The war which ensued, and the animosity created by succeeding events, were such, for bitterness, as had not in any age before that period agitated the two nations. The alarm of the queen's death soon reached the ears of Robert Brus, and he first appeared a claimant of the crown at a convention held at Perth, supported by many friends, among whom were the earls of Mar and Athol. A civil war was foreseen on every hand; and messengers were dispatched to the king of England requesting him to draw near the frontiers, to overawe the various claimants, who began to grow tumultuous in every quarter, and prevent the effusion of blood.

Edward, whatever was his title, assumed the office of arbiter touching the claims to the crown of Scotland, and, as sovereign or supreme lord of that state, proceeded to determine the same. In a letter he wrote to the pope on this subject,* after the Lincoln parliament (A. D. 1301,) he affirms, that divers persons contending for the hereditary succession to that crown, applied to him with various requests, to do justice towards them in the matter. To which the Scots council replied, that the king of England assumed the lamb-like appearance *(sub agnino vellere)* of a conciliator among the contending Scots, not being invited thereto, but had cunningly allured to his interest some of the nobles of Scotland, who adhered to a party, having no just title to the crown, and the rest not being able to resist him, he usurped the guardianship of the kingdom.† The king is charged with perplexing the dispute, by multiplying the number of competitors, who were advanced to twelve, though only the titles of Brus and Baliol, when they came to be deduced, were of real importance. The king was delayed entering on the duty of arbiter by the death of his queen, until the spring of the year 1291. He arrived at Darlington about the 16th day of April, and from thence

* Ford. l. ii. c. 42. † Ibid. c. 53. & 54, &c.

issued summons to 57 of his military tenants of the northern counties, among whom are named John de Baliol, Robert de Brus, William de Vesy, Hugh de Lovall, the lady de Ros, Margaret de Ros, and William de Heron, to accompany him with horse and arms, and all the service they owed him, at Norham, for six weeks, reckoning from Easter; and the sheriffs of the northern counties received orders to give notice to all within their districts, who owed the king military service, to give the same attendance.* At the assembly convened at Norham, the bishop of Durham addressed the states of Scotland† in the name of the sovereign, informing them, That the purpose of his coming to the borders was, in quality of direct and supreme lord of Scotland, to maintain the tranquillity of that kingdom, and to do impartial justice to those who claimed the crown; but, the more effectually to accomplish this purpose, he required, *ex abundanti*, of the Scots who were present, their assent to, and recognition of his sovereignty, not intending to act in this matter without their council; and that the king gave them three weeks, from the tenth day of May, to deliberate thereon, and in that time to procure such documents as they might chuse to produce to invalidate his title to that dignity, if any such they possessed.

On the day appointed, eight of the competitors appeared; John Baliol, by one Randolf his knight, prayed a respite till the next day, and then appearing, all the claimants made a full recognition of king Edward's title (Pinkney only excepted,) by an instrument under their seals, which was followed by a written grant of the whole territory and castles of Scotland, to enable the king to give seisin to the person whose claim should be confirmed. Thus circumstanced, it would not have been wondered at, if every degree of partiality had been extended in favour of him who made the most abject promises of dependence and submission to the arbiter invested with such authorities. But Edward, on a fair investigation of his conduct, stands clear of such an imputation: He exhibited in the conclusion of this momentous business, a specimen of that deliberation and solemnity with which important questions of right ought to be examined and tried. Berwick was agreed upon as the place where each competitor should produce the evidence to maintain his claim, and the second day of August ensuing was appointed for that purpose. The claims were then presented, and the second day of June, in the following year was named for the king's giving judgment thereon. But, various new circumstances arising that day, an adjournment was agreed upon, and it was not till the 17th day of November, A. D. 1292, that a determination was made in favour of Baliol. Fordun attempts

* Rym. v. ii. fo. 525. † Prynn, v. iii. p. 489.

to impeach the king's candour, and tells us, that the king, finding the council inclining to give the preference to Bruce, and advising with some of his confidants concerning the matter, the bishop of Durham reminded him of Bruce's great family and connections in England, and how formidable he would be there, if advanced to the throne of Scotland, whose kings had formerly been so troublesome to this nation. On which Edward replied, *Par le sang de Dieu vous avez bien eschante;* the matter shall go otherwise than I at first intended.*

I am ignorant of the exact date of the process under the *quo warranto* statute against the liberties of this palatinate; but by a record in the Tower of London, of the 9th of K. Ed. I. A. D. 1281, it appears that the Bishop of Durham's liberties were allowed before John de Vallibus and his fellow-justices itinerant in the county of Northumberland: And,† by a record in the parliament of the 21st of Edw. I. 1293, it appears that an inquisition was taken touching those liberties before Hugh de Cressingham, and his fellow-justices, at Newcastle-upon-Tyne. The mode of proceeding under this statute was, that the king issued his proclamation, enjoining all persons holding lands of the crown to lay their titles before the judges of the realm: And by the proceedings of the commissioners it appears, that they caused proclamation to be made according to the form of the statute of Gloucester, and that neither the bishop of Durham, or those claiming liberties within his palatinate, came forth to justify their title; on which default, the same liberties were seized into the king's hands, until they should be relieved, and those claiming should answer to the king touching their right thereto. Those proclamations were looked upon as the source of a very great grievance; and indeed the persons who were first attacked, and could not produce their original titles, though they proved a long possession, were forced to pay large sums to the king to preserve their estates. This kind of oppression would have gone much further, had not a stop been put to it by the earl of Warren, who, appearing before the judges, was required to shew the fundamental title by virtue whereof he held his lands: He answered by drawing an old rusty sword out of the scabbard, and

* Fordun also relates, that after sentence was given for Baliol, the earl of Gloucester, the nephew of Brus's wife, taking Brus by the hand, bid the king consider what kind of judgment he had that day given, and remember that he himself should be judged at the last day. He adds that Robert, by the command of the same earl, immediately retired, and never paid fealty or homage to Baliol. According to an extract in Leland's Collection, v. ii. p. 539. John de Warren earl of Surry, father-in-law to John Baliol, joined with Anthony Bek bishop of Durham in maintenance of Baliol's title.

† Spearman's Enquiry, p. 8.

saying to the judges, "This is the instrument by which my an-
"cestors gained their estate, and by this I will keep it as long
"as I live. King William did not conquer for himself alone,
"neither did my forefather assist him for that end." So bold an answer seemed likely to involve the earl in trouble, but it had quite a contrary effect. The king found by it how difficult it would be to exact from the nobility, upon so frivolous a pretence, the sums he expected, without falling into great inconvenience. He saw plainly there were still, among the barons, persons as ready to hazard all in defence of their rights and properties as those in the time of king John and king Henry III. Those considerations inducing him to revoke his proclamation, the people expressed their joy in such a manner, as plainly shewed how much they detested this oppression. But to return to the matter relative to the liberties of this palatinate, it appears by the beforementioned record, that the bishop, having pleaded in parliament various matters, as well in error as otherwise, had full restitution of his liberties. The articles in the inquisition most worthy the reader's attention, are, That the bishops of Durham, by their bailiffs, used to meet the king's justices in their progress at Chilewell, or Fourstanes, or Quakenbrigge, as it might happen which way they travelled, and attended them to Newcastle, to obtain from them the articles of the pleas of the crown, there to be enquired of.

That the bishop of Durham had his chancery, and by his writs, and proper justices, held all pleas within his liberties of Durham, Sadberge, and Bedlington, on this side Coket, and Norham, beyond Coket, all within the precincts of his county. That he had his mintage at Durham; had his coroners; three in the three wards of Durham, one at Sadberge, one at Bedlington, and another at Norham. That after the commission under which the king's justices acted was closed, the bishop, by his justices, might hold all pleas, as well of the crown as others, within his liberties. That he had his place of execution at Durham and Norham, where he had the custom of Infangenetheof and Outfangenetheof. That he had fairs and markets at Durham, Darlington, and Norham. That at Norham he held all pleas of the crown, from fifteen days to fifteen days, or from three weeks to three weeks at his pleasure. That he held in exigent and outlawry, with power of pardoning his outlaws. That the bishop had lately relieved the warren at Tweedmouth, where no ancient warren was; but people, by his permission, used to enjoy the liberty of chace. That the bishop grants warrenage, as his pleasure is, to those within his liberties. That his bailiffs stay all persons

on the bridge of Berwick bringing wool, hides, or skins to be sold, not having the Coket mark thereon, and seize such wares to the bishop's use, as forfeitures.

Divers nobles, and others, within the palatinate, enjoy sundry liberties; as the prior of Durham hath infangenetheof within all his territories, a moiety of the goods of felons condemned in his courts, &c. assize of bread and other provisions in Elmete,* and a moiety of all wreck of the sea, &c.

John king of Scotland at Castle Barnard, hath his markets and fairs, pillory and tumbrell, place of execution and infangenetheof, with the goods of felons condemned in his courts, &c. and hath free chace and free warren in all his lands within the liberties of the bishopric.

Agnes of Valencia hath her place of execution and infangenetheof at Gainford, within the liberties of the bishopric, and takes the goods of felons, &c. and has free warren in her lands.

Robert de Brus hath, at Hartlepool, market and fair, assize of bread and victuals, and all privileges appertaining to markets and fairs; also a sea-port, where he takes keel-dues, viz. for every ship, with a boat, which plies there, 8d. and for every ship, without a boat 4d. and he also takes there, prize of fish, &c.

Ralph de Neville hath free chace and free warren at Brancepeth.

Robert de Hilton, Wychard de Charum, John Marmeduk, Henry de Insula, Walter de Wyssingdon, and John de Guldeford, have warren in all their lands. John de Graystok has at Cunoischyne (Conscliff) a place of execution and infangenetheof, goods and chattels of felons, and free warren in all his lands.

The bishop hath privilege, by his bailiff, to take the custody of any man of his palatinate, who is apprehended in Northumberland, at the suit of any one within his bishopric, in order to have him at a place called Holdenburn, on the march between Norham and the body of the county, where he shall suffer the law; with the like privilege for the sheriff of Northumberland, where an offender is taken in Norhamshire.

An inspeximus of this record was obtained in the time of bishop Langley, A. D. 1409, when the same was exemplified, which is set forth in the notes.†

* Elvet.

† De judicio super libertatibus Dunelm. in manum regis captis adnullato.——Rymer's Fœdera, vol. viii. p. 572. Pat. 10, H. 4. p. 1, m 5. A. D. 1409——Rex omnibus, ad quos &c. Salutem. Inspeximus processum, modum et causam captionis libertatum venerabilis patris Anthon. (Beke) Dunolmensis episcopi et hominum suorum, ecclesiam ejusdem episcopi tangentium, per Hugonem de Cressingham et socios suos justiciarios domini Ed. quondam regis Angliæ progenitoris nostri nuper itinerantes in comitatu Northumbriæ, in manum præfati progenitoris nostri.

In the year 1294, the bishop was sent ambassador from the king of England to the emperor of Germany, to conclude a treaty

Quas quidem libertatus dictus progenitor noster eidem nuper episcopo replegiari fecit usque ad quindenam Sancti Michaelis tunc proximo futuram; et quos quidem processum modum et causam, idem progenitor noster coram se et consilio suo ad parliamentum suum apud Londoniam in manerio archiepiscopi Eborum, anno regni ipsius progenitoris nostri vicesimo primo, tentum certis de causis venire, et ibidem coram eis discuti et terminari fecit, in hæc verba,

Placita* coram H. de Cressingham et sociis suis justiciariis domini regis itinerantibus, apud Novum Castrum super Tynam in comitatu Northumbriæ, in Crastino Sancti Hillarii, anno regni regis Ed. filii regis Hen. 21, A. D. 1295.

NORTHUMBR. ss.

Cum vicecomes hic testaretur juxta formam statuti Glocestriæ, quod plures magnates et alii in comitatu isto utuntur diversis libertatibus quas nondum clamaverunt hic, &c,

Inde plenius certiorari volentes, diligenter inde inquisiverunt tam per xii juratores corporis comitatus citra Coket, &c.

Qui quidem juratores adinvicem sociati, &c. Præsentant quod episcopus Dunelmensis solet per Ballivos suos obviare justiciariis itineraturis hic in adventu suo infra comitatum istum apud Chilewell vel apud Fourstanes vel apud Quakendebrigge (videlicet) per quam illarum partium contingeret justiciarii venire, &c. Et postea venire coram eis hic apud Novum Castrum primo die itineris, et tam in obviatione justiciariorum, quam hic petere a præfatis justiciariis articulos coronæ placitandos hic in itinere, &c. et sic fecerunt omnes episcopi prædecessores ipsius episcopi a tempore quo non extat memoria, usque ad tempus Roberti de Insula quondam episcopi Dunelmensis ultimi prædecessoris ipsius episcopi qui in ultimo itinere hic ab hujusmodi petitione se subtraxit.

Et habet cancellarium suum, et per brevia sua, et per justiciarios suos proprios placitat in libertatibus suis Dunelm. Sadberg, et Bedlington, quæ sunt infra præcinctum com. citra Coket, et similiter in libertate sua de Norham, quæ est infra præcinctum com. ultra Coket omnia placita, &c.

Et habet monetarium suum apud Dunelm.

Habet etiam coronatores suos infra libertates suas, videlicet, unum apud Sadberg, et tres in tribus wardis libertates Dunelm, et unum apud Bedlyngton, et unum apud Norham.

Et statim post iter finitum hic solet episcopus per justiciarios suos apud Dunelm. placitere omnia placita coronæ ejusdem libertatis et similiter omnia alia placita per legem Angliæ et per articulos ei liberatos, &c. et postea continue in aliis libertatibus suis prædictis, &c.

Habet etiam Furcas apud Dunelm. et apud Norham, et utitur ibi Infangenethef et Utfangenethef.

* Ryley's Placita Parliamentaria, p. 168. Dominus rex mandavit dilecto et fideli suo Hugoni de Cressingham breve suum in hæc verba, Edwardus, &c. Rex. Dilecto et fideli suo Hugoni de Cressingham salutem, quia super processu modo et causa cap'co'is libertatum venerabilis patris A. Dunelm. epi. et hominum suorum ecclesiam ejusdem epi. Dunelm. tangentium per vos et socios v'ros justic. n'ros nup. itinerantes in com. Northumbr. in manum n'ram. Quas quidem libertates eidem e'po replegiari fecimus usque ad quindenam S. Mich, prox. futuri, volumus certiorari, vobis mandamus quod nos super processu modo et causa captionis pred. sub sigillo v'ro ad diem pred. distincte et aperte redditis certiores remittentes nobis hoc breve mittentesque insuper ad nos ad eundem diem aliquem de vestris circumspectum et sup. premissis sufficienter instructum ad certiorandum nos plenius de hoc facto teste meipso apud Westm. sexto die Junii anno regni nostri xxj. Propter q'd præfatus H. juxta formam mandati pred. D'ni regis sibi directi recordum et processum eadem misit in hæc verba, &c.

with that potentate, against the increasing power of France. In 1295, the pope having sent two cardinals on an embassy to the

Idem episcopus habet mercatum et feream apud Dunelm. et similiter apud Derlington, et similter apud Norham.

Et placitat apud Norham omnia placita coronæ de quindena in quindenam, vel de tribus septimanis in tres septimanas pro voluntate sua.

Et ponit homines in exigendis et eos facit exigi de sex septimanis in sex septimanas quousque fuerint utlagati si non comparuerint, &c et si ut lagati redierint, idem episcopus pro voluntate sua concedit eis suam pacem, &c.

Idem episcopus de novo levavit warennam apud Twedemuth ubi nunquam solet esse warrenna, set omnes vicini et omines patriæ solebant ibi fugare pro voluntate sua, &c.

Idem episcopus concedit warrennam cuicumque voluerit infra libertates suas prædictas, et Ballivi sui capiunt ad caput pontis de Berewyk omnes homines venientes cum lanis, coriis, vel pellibus vendendis sine signo quod vocatur Coket, et mercandisas illas scifiunt ad opus episcopi tanquam forisfactas, &c.

Item, diversi magnates et alii infra prædictas libertates, prædicti episcopi utuntur diversis libertatibus, &c. videlicet, prior Dunelm. habet infangenethef per totam terram suam infra prædictas libertates, et capet medietatim catallorum felonum dampnatorum in curia sua &c. capit etiam emendas assisæ panis et cervisiæ fractæ in Elmete et medietatem de Wrec quod evenit super terram suam, &c.

Item Johannes rex Scotiæ habet apud Castrum Bernardi infra prædictas libertates &c. mercatum, feream, pillor. et tumberell, furcas et Infangenethef, et capit catalla felonum dampnatorum in curia sua

Et habet ibi liberam chaceam et liberam warrennam in omnibus terris suis in libertate prædicti episcopi.

Item, Agnes de Valencia habet forcas et Infangenethef apud Genford in libertate prædicti episcopi, et capat catalla felonum dampnatorum in curia, &c. et habet warennem in terras suis, &c.

Item Robertus de Brus habet apud Hertelpool in libertate prædicti episcopi mercatem et feream et emendes assisæ panis et cervisiæ fract, et omnes libertates quæ ad feriam et mercatum pertinent; et portum maris, et capit ibi killagium, scilicet de qualibet navi cum batello applicante ibi. octo denarios, et de qualibet navi sine batello quatuor denarios, et capit ibi prisas piscium, &c.

Item, Ranulphus de Nevil habet liberam chaceam et liberam warennam in libertate prædicti episcopi apud Brauncepath, &c.

Item, Robertus de Hilton, et simileter Wychardus de Charum, et simileter Johannes Marmeduk, et similiter Henricus de Insula, et similiter Walterus de Wyssingdon et etiam Johannes de Guldeford, habent warrennam in omnibus terris suis infra libertatem prædicti episcopi, &c.

Item, Johannes de Graystok habet apud Cunoischyne furcas et Infangenethef et catalla felonum dampnatorum in curia sua ibidem infra prædictam libertatem, &c. et habet warennam in omnibus terris suis ibidem, &c.

Præsentant etiam, quod episcopus Dunelm. habet talem libertatem, quod si qui hominum suorum captus sit in corpore comitatus Northumbriæ ad sectam alicujus de libertate ipsius episcopi, ballivus prædicti episcopi replegiet ipsum ad habendum ipsum ad marchiam, videlicet, inter corpus comitatus et Norham, in quodam loco qui vocatur Holdenburn, et ibidem stabit legi; Et si aliquis de corpore comitatus Northumbriæ captus sit in libertate de Norham ad sectam alicujus de copore comitatus prædicti vicecomes Northumbriæ eodem modo replegiet ipsum, et in prædicto loco stabit legi, &c ut prædictum est.

Et totus comitatus similiter recordatur, quod omnes episcopi Dunelm. a tempore quo non extat memoria, continue venire solebant per ballivos suos obviam præfatis justiciariis itinerantibus hic in primo ingressu suo in istum comitatum, ad aliquem prædictorum trium locorum et ibi peteri articulos coronæ in forma prædicta et postea hic in primo die itineris, &c. usque ad tempus Roberti de Insula nuper episcopi Dunelm. proximi prædecessoris prædicti episcopi qui tempore domini regis nunc in itinere J. de Vallibus et sociorum suorum justiciariorum ultimo itinerantium hic a petitione prædictorum articulorum se subtraxit.

English court, this prelate was pitched upon to answer them in the king's name. The purport of this business was to bring about

Et dicunt quod quidem eorum recolunt quod quidem Nicholas de Farnham quondam episcopus Dunelm. in itenere abbatis de burgo Sancti Petri hic tempore domini Hen. regis patris domini regis nunc.

Et postea Walterus de Kyrkham quondam episcopus Dunelm. tempore ejusdem domini Hen. regis in itinere R. de Thurkilby hic.

Et postea quidam Robertus de Stichehill quondam episcopus Dunelm. tempore ejusdem domini Hen. regis in itinere G. de Preston hic miserunt Ballivos vel Senescallos suos ad petendum articulos, &c. in forma prædicta.

Et etiam per inspectionem rotulorum ultima iteneres hic, compertum est quod per totum comitatum tunc fuit recordatum quod rex Scotiæ, archiepiscopus Eborum, episcopus Dunelm. & Gilbertus de Umframville per Ballivos suos debent obviare prædictis justiciariis et petere articulos coronæ in forma prædicta, &c.

Et quia tam per juratores quam per recordum comitatus, compertum est quod omnes prædictæ libertates et loca in quibus prædictis libertatibus untentur, sunt infra præcinctum istius comitatus, &c.

Et vicecomes testatur, quod per totam Ballivam suam publice et solempniter fecit proclamari secundum quod continetur in brevi de communi summonitione itineris, et secundum formam statuti Gloucestriæ de hujusmodi libertatibus clamandis, provisi, &c.

Et prædictus episcopus non clamavit hic primo die itineris libertates suas prædictas, nec adhuc eas clemat, nec prædicti prior et alii tenentes prædicti episcopi libertates suas prædictas quibus usi sunt, quæ omnia sunt infra præcinctum comitatus istius sicut prædictum est primo die itineris clamaverunt, nec adhuc eas clamant.

Consideratum est quod omnes prædictæ libertates capiantur in manum domini regis nomine districtionis, ita quod episcopus et alii libertatibus illis non utantur quousque venerint ad replegiandum libertates illas et domino regi inde respondendum.

Et præceptum est vicecomiti quod illas capiat in forma prædicta, &c.

Postea in Crastino Sanctæ Trinitatis proximo sequens, vicecomes testatur quod cepit libertates prædictas in forma prædicta, &c.

Et prædictus episcopus modo supplicavit ipsi domino regi et concilio suo instanter, quod prædicta processus et recordum coram eis recitarentur et examinarentur et errores in eisdem contenti pro se et ecclesia sua Dunelm. prout justum fuerit et secundum legem et consuetudinem regni, emendarentur.

Dixit enim quod præfatus Hen. et socii sui justiciarii domini regis itinerantes in comitatu Northumbriæ ad captionem libertatis ipsius episcopi ecclesiæ suæ et hominum suorum infra libertatem suam Dunelm. in manum domini regis absque actoritate aliqua, fines etiam potestatis suæ excedendo, minus rite processerunt.

Et hoc tamper statutum Gloucestriæ a quo originem judicii sui captionis prædictæ sumpserunt, quam per alias rationes per quas judicium suum coloraverunt et affirmaverunt manifeste patet.

Continetur enim expresse in illo statuto Gloucestriæ, ac etiam in brevi de communi summontione itinerum, quod omnes illi qui libertates aliquas infra comitatus in quo justiciarii domini regis sunt itineraturi, habere clamant, quod primo die itineres coram eisdem justiciariis libertates illas clamant.

Et super hoc in proclamatione itineris illius comitatus, mandatur vicecomiti in eodem brevi juxta formam prædicti statuti quod sic per totam Ballivam suam publice proclamari faciat,

Unde cum placitum sit et a tempore quo non extat memoria omnibus de partibus illis et etiam de regno isto manifestum et notorium, quod vicecomes Northumbriæ non est vicecomes Dunelm. nec infra eandem libertatem ut vicecomes unquam intravit, nec aliquid quod ad officium vicecomitis pertinent infra eandem libertatem Dunelm. sive in prædictis locis de Norham Bedlington et Sadberge (quæ sunt de eadem libertate) exercuit, nec proclamationes summonitiones aut attachamenta aliqua ibidem fecit, nec ad ipsum pertinet faciendum;

an accommodation between England and France, on which occasion the bishop delivered himself with great propriety and ele-

Nec ipse dominus rex aut ministri sui quicumque in aliquo se habent intromittere infra libertatem prædictam sive locis prædictis nisi tempore vacationis episcopatus prædicti,

Nec justiciarii prædicti ratione waranti sui fines comitatus in quo sunt itinerantes, possunt aut debent excedere, aut ratione itineres sui in uno comitatu auctoritatem vicecomiti illius comitatus attribuere, quod in alio comitatu officium vicecomitis exerceat,

Nec proclamatione itineres comitatus Northumbriæ per vicecomitem illius comitatus facta ulterius se extendit quam in Balliva sua, nec dici poterit quod ipse aliquam proclamationem fieri fecit prout nec debuit infra libertatem Dunelm. seu loca prædicta,

Et justiciarii præfati ratione proclamationis per vicecomitem Northumbriæ factæ in Balliva sua ceperunt libertates ipsius episcopi ecclesiæ suæ et hominum suorum infra libertatem prædictam et loca prædicta exist entium in manum domini regis;

Et que quidem libertates non sunt infra potestatem seu Ballivam prædicti vicecomitis, immo omnino extra;

Videbatur ipsi episcopo quod sibi et ecclesiæ per judicium prædictum in hoc injuriatur,

Præterea dixit quod ipse episcopus et omnes prædecessores sui episcopi Dunelm. a tempore quo non extat memoria omnia jura regalia et omnes libertates regales infra libertatem suam prædictam Dunelm. et loca prædicta integre habuerunt et exercuerunt, videlicet, Cancellariam et Cancellarium suum, brevia sua de eadem cancellaria per totam libertatem et loca prædicta emanentia, justiciarios suos proprios, vicecomitem, coronatores, et alios ministros coronæ et pacis per ipsos episcopus assignandos pro voluntate sua a tempore conquestus Angliæ et antea, et sic hucusque absque interruptione aliqua usi fuerint, ut de jure et libertate ecclesiæ suæ Sancti Cudberti Dunelm.

Et petiit quod dominus rex et ejus concilium, habito respectu ad præmissa, factum justiciarorum prædictorum ut sibi videbatur eronium, præcipere vellent revocare et emendare;

Et quia recitatis prædictis processu et recordo coram præfatis justiciariis habitis, et etiam auditis et intellectis rationibus prædicti episcopi coram ipso domino rege et concilio suo, videlicet, quod ad captionem libertatem prædictarum prædicti episcopi, ecclesiæ suæ, et hominum suorum infra libertatem Dunelm. et loca prædicta de Norham et Bedlington et Sadberge minus rite et absque warranto et errore interveniente processum est, prout tam per recordum prædictum per præfatos justiciariros domini regis missum, quam per rationes prædicti episcopi ad recordum illud adnullandum propositas, evidenter patet;

Et licet vicecomes prædictus Northumbriæ coram justiciariis prædictis testatus fuit prout in prædicto recordo continetur, quod publice proclamari fecit per totam Ballivam suam præceptum domini regis, contentum in brevi de communi summonitione itineris comitatus prædicti, sibi directo, non propter hoc intelligendum est quod ipse proclamationem aliquam fecit aut fecisse debuit nisi in Balliva sua, et ubi potestas sua se extendebat, nec dici potest, quod potestas vicecomitis Northumbriæ se extendit infra libertatem episcopi Dunolmensis, ubi idem episcopus vicecomitum suum proprium habet, nec super tali testimonio suo de re aliqua extra Ballivam et potestatem suam existente, judicium fieri depuisset cum testimonium suum in hoc non fuit admittendum;

Consideratum est per ipsum regem et concilium, quod judicium prædictum revocetur et adnulletur, et quod omnes libertates prædicti episcopi ecclesiæ suæ et hominum suorum, quæ per considerationem justiciariorum itinerantium prædictorum in manum domini regis captæ fuerunt, eidem episcopo ecclesiæ et hominibus suis plenarie et integere restituanter; habendæ et tenendæ sibi et ecclesiæ, sicut ipse et prædecessores sui episcopi Dunelm. eas tenuerunt ante captionem predictam, salvo semper juri domini regis et hæredum suorum cum inde loqui voluerit, &c.

gance of language in the French tongue; he not only possessing great powers of oratory, but also was esteemed one of the politest scholars of the age.*

It is evident from the whole tenor of Edward's conduct in the management of the great affair of the succession to the crown of Scotland, and in his proceedings after the coronation of Baliol, that he had incessantly in view a design of reducing that kingdom to his entire subjection. His decision touching the claims of the competitors was impartial, and consistent with the nature of those claims, in that he held forth a character clear of reproach: To have acted otherwise would have alarmed the states, thrown them upon their guard, and in the end destroyed the great design in its very embryo. On the other hand he knew well the ferocious minds of disappointed Scotsmen did not suffer resentment to subside unsatiated: Many were affected by the decision in Baliol's favour, and few were reconciled to it; like hidden fire, the combustion was left to gather in secret more vehemence from its restraint. The king had obtained the grounds which were to support his secret purpose; and his proceedings, after the decision, had a manifest tendency either to train Baliol and his subjects into a servile dependence on England, or to provoke the nation to revolt, which should give him an immediate pretext for levying war, and reducing Scotland to a similar state with Wales; and he could not doubt but, by pursuing similar measures, he would attain the same conclusion.† The various summons he sent to the king of Scotland, on the most frivolous appeals, explained to him the idea the king of England had entertained of the servility and vassalage under which he held his crown. Irritated by repeated insults, derogatory to the honour of a prince reigning over a people of so martial a spirit, Baliol determined to shake off his dependence, and make an alliance with the French king, by contracting Edward his son and heir with the niece of that potentate. This negociation could not long remain a secret at the English court, which being attended with various instances of Baliol's public contempt of the king's mandates, and coupled with the insolence and outrages repeatedly committed by the Scots on the borders, brought on a most bloody and inveterate war.

Et præceptum est vicecomiti Northumbriæ, &c. quod eidem episcopo libertates suas restituat in forma prædicta, &c.

Nos autem tenores processus, modi, causæ, discussionis, et terminationes prædictorum ad requisitionem venerabilis patris Thomæ (Langley) nunc episcopi loci prædicti duximus exemplificandos per præsentes.

In cujus, &c. Teste rege apud Westmonasterium nono die Martii 1409.

* Biograph. Brit. new edit. v. ii. p. 147.

† Adjornatio Regis Scotiæ super institia episcopo Dunelmensi exhibenda.—Rymer's Fœdera, v. ii. p. 632. Rot. Scotiæ, an. 21, Ed. I. nu 56. Prynn, v. iii. p. 556.

The first capital breach of the peace which subsisted between the two nations was committed by the Scots garrison of Berwick, plundering and burning several English vessels which entered that port, giving no quarter to the mariners; and an open war soon after was denounced on the part of Edward, by his seizing on the English estates of Baliol, and others of the Scots nation who did not immediately come over to his dependence. Edward came down to Newcastle in the month of March 1296, with an army of 30,000 foot, and 4,000 gens d'arms or heavy armed horsemen; together with the forces of the bishop of Durham, consisting of 1000 foot and 500 horse: These troops of the prelate's it is said, were not the military tenents of his palatinate* but Welsh and Irish mercenaries; the people of the bishopric claiming a privilege, as *halywerk-folk*, of not departing the limits of the jurisdiction, being only guards of the body and possessions of St Cuthbert. But this assertion is ill grounded, for much disturbance afterwards ensued, by the bishop's compelling them to this service contrary to their liberties.† Graystanes, whose authority is most to be depended on, as being resident in the palatinate, says, that bishop Bek was a most magnificent prelate, living in a degree of splendor inferior to none but his sovereign, and only exceeded by the king in his military actions, skill, and power; that he was more assiduous about affairs of government than in the execution of his episcopal function. In warfare he was a powerful associate to the king, and in council sage and circumspect. In the war with Scotland he says, he had with him 26 *vexilarii*, or standards, of his own family or principality, and his ordinary or accustomed suite consisted of one hundred and forty knights, so that he appeared more like a powerful prince than a priest or prelate. It is also said, that the banner of St Cuthbert was moved from the shrine in the church at Durham to attend the army; on which occasion the king granted to that church 40*£*. a-year out of the royal exchequer at Berwick, until some appropriation should be made of equal value out of the churches of Scotland. The expenditure of this yearly sum was directed by the king to be in alms, and for the maintenance of a

* Robert de Graystanes tells us he had of his own family twenty-six standard-bearers; and adds, that he looked more like a lay prince than a priest or bishop.

† Edward the First abridged them of those liberties when he interposed as a mediator between the bishop and the prior, who had then a sharp contest about certain lands, and at last would not stand to his determination, seized the liberty of the bishopric into his own hands; and then were many things searched into, and their privileges abridged in many particulars. However the church recovered its rights afterwards, and bishop Bek extricated himself at length out of this troublesome affair, and was entirely restored to the king's favour.——R. de Graystanes.—Ang. Sac. Gibson's Camden.

solemn festival of the monks on the two anniversaries of their tutelary saint, support a mass-priest, and furnish wax-lights to burn before the shrine and banner whilst mass was celebrating.* The single circumstance of St. Cuthbert's banner attending the army, is proof sufficient that the military tenants of the palatinate formed the bishop's corps; for that banner was as the royal standard of the province, at the display of which all those who were bound to bear arms were obliged to resort thereto; and it would have been held as a great indignity, or rather sacrilege, to have had that banner supported by foreign mercenaries.† Henry de Horn-ceastre, a monk of Durham, was the standard-bearer.

The king of Scotland was summoned to appear at Newcastle, to answer the charges of disobedience, and for the outrages committed by his subjects, but he paid no attention thereto; on which the army moved to Bambrough. The first acts of hostility were made at Wark, where on the defection of Robert de Ross, a detachment of 1000 men from the English army, which marched to seize that fortress, on its being evacuated by Ross's people who went over to the Scots, were set upon in the night, and most of them put to the sword. King Edward is said to have given thanks to God that this occasion fully authorised his unsheathing the sword, and exculpated his conscience of the consequences to ensue. On the Wednesday after Easter he entered Scotland with his main army, by fording the river Tweed below the nunnery at Coldstream; and on the same day the bishop of Durham led his forces over the river at the ford near Norham.

Whilst the king lay at Berwick, on the 5th of April, he received, from Blount and others, Baliol's commissioners, his renunciation of homage and obedience to the crown of England. Various scenes of bloodshed ensued. The defeat at Dunbar was a fatal blow to the Scots; almost all the fighting men fled beyond the Frith of Forth. Robert Brus earl of Carrick was, by a commission given him at Roxburgh, empowered to receive to the king's peace the inhabitants of Annandale; and his son had the like commission for the county of Carrick.‡ The king of England, having received great reinforcements from Wales and Ireland, reduced the whole country in his progress to Perth: Whilst he

* Rym. v. ii. p. 730. † Rob. de Graystanes—Ang. Sac. p. 746.—Pryn, v. iii. p. 668.

‡ Hollingsh. p. 507. A. D. 1298. In the battle of Foukirke, the bishop of Durham led the second battell of the Englishmen, consisting of 39 standards; who hasting forth to be the first that should give the onset, when his men approached near the enemy, the bishop commanded them to stay till the kirk battell, which the king led, might approach. But that valiant knight the lord Ralph Bassett of Draiton, said to him, "My lord you may goe and say masse, which better becometh you than to teach "us what we have to do; for we will doe that which belongeth to the order and cus- "tom of war," &c.

remained there to celebrate the festival of St John Baptist, he received messengers from Baliol, imploring peace. The bishop of Durham, on the part of the king of England, was empowered to negociate this matter, and accordingly met the king of Scotland and some of his principal nobility at the Castle of Brecken; where the unhappy monarch could obtain no better terms than an absolute resignation of his kingdom, and the submission of himself and nobles to the will of the king of England;* on which Baliol's eldest son was delivered up as an hostage, and he and his father were afterwards sent to London, where they continued three years close prisoners. The king moved his army northwards as far as Aberdeen, the bishop of Durham, during the whole progress, with his provincial troops forming the van, and proceeding a day's march before the main body. The king removed the *palladiam* of Scotland to Westminister, the chair of Scone, used for the inauguration of the Sovereign, which is said to have in its construction the stone on which Jacob slept when he had his beatific vision. He also removed or destroyed all the royal records of the kingdom, and every monument which related to the ancient honours of that nation. He summoned a parliament at Berwick, where he received the submission of the Scottish states; and there appointed John de Warren earl of Surrey guardian, during his pleasure, and otherwise established such officers and orders for the government of that kingdom as he thought most expedient. Prynn, in order to stigmatise the character of the Scottish nation, sets forth† an execrable record, which is presumed to be the act of Baliol: There is no reason assigned in the instrument for his uttering a public condemnation against the people he governed, or an abdication of all intercourse with them. The whole has the appearance of a forgery.

It was not long before the Scots made a struggle to shake off the intolerable yoke, with which they were burthened, under Edward's vicegerents. Warren, the guardian, advanced in years, thought the air of Scotland prejudicial to his health, and therefore took up his residence in the northern parts of England. Cressingham, the treasurer, besides his overbearing pride and insolence was charged with a merciless rapaciousness. Ormesby, the justiciary, was rigid, intolerably imperious and tyrannical, adjudging to exile all those who refused the oath of fealty to the king of England. The weak state of Scotland encouraged those who ruled there to commit the most enormous excesses. At length a patriot leader arose called Wallace, not of eminent degree by birth, but by his uncommon genius, fortitude, and virtue.

* Rym. p. 718. † Vol. iii. p. 665.

His stature and strength are described as gigantic, his aspect and address pleasing and popular; and he was equally renowned for subtlety in devising military stratagems, as for his prowess in conducting the most perilous atchievements. He had acquired a martial fame by his depredations on the English borders, in his youth, having the command of a banditti of outlaws. Infinite trouble ensued to the king from the insurrections headed by this leader, who was joined by many powerful parties, particularly Robert Brus, the younger, earl of Carrick, James Stewart of Scotland, and others of that interest. The bishop of Durham being sent to enquire the circumstances of these new disturbances gave the king full information of the danger threatened by this formidable insurrection; on which occasion he issued orders for all the military men north of Trent to join earl Warren, and proceed to suppress the rebellion. The king passed over into Flanders on his continental affairs, and left the troops ordered to advance against Scotland to the conduct of Warren and Cressingham, against whose unhappy command the insurgents every where prevailed: They took the town of Berwick, overran Northumberland, and prepared to besiege Durham, when a dreadful storm ensued, in which many of the Scots perished by hunger and cold. This event was attributed, by the superstitious writers of those days, to the mediation of St Cuthbert with the powers of the air to protect his church. The Scottish forces retreated, but in their way burnt Ryton, laying waste the country in their rout, as they returned to their own territories laden with spoils.

The barons of England with the clergy, who refused to grant the aids required by the king, and to attend him on his expedition to Flanders, now made a formidable head in the affairs of state; and, taking advantage of the present exigence, insisted upon having a general pardon from the regent, and a ratification of the great charter, and charter of the forests, together with a most valuable adage, "That no talliage, or aid should thenceforth be "imposed on the kingdom, without the assent of the full legisla- "tive body, the prelates, nobles, knights, burgesses, and other "free men;" and on condition that the king should confirm the same, they consented, both clergy and laity, to grant the necessary aids for the Scottish war. The king submitted but with evident marks of reluctance to the terms proposed; and an army was soon after mustered at Newcastle for the Scottish expedition. The king having obtained a two years truce in Flanders, hastened home to conduct this armament, and arrived at Berwick in the middle of March 1298. The barons who were in the combina-

tion before mentioned, before they would enter Scotland, insisted on the king's ratifying his confirmation of the terms exacted from the regent in his absence, jealous he would attempt to evade a consent made in a foreign country; on which the bishop of Durham, together with the earls Warren, Gloucester, and Lincoln, were authorised to swear upon the king's soul, that, on his returning victorious, he would give his people ample satisfaction in the matter; and, soon after, ensued the victorious battle of Falkirk, at which according to the Scala Chronica before referred to, the bishop of Durham had such a retinue, "that in hys cumpa-"ny were 32 baners." After the king had pursued the favourable consequences of the defeat in this battle, he moved southward as far as Durham, where he halted some time; but hearing the Scots were again appearing in force, he returned to Tynemouth, where he remained till Christmas, and then took his rout for the south. In the truce made by the king in Flanders, it was stipulated, that John Baliol should be set at liberty.

The affairs of Scotland were for a while suspended, by a claim made by the pope of the sovereign right over that kingdom, suggesting, that it was a fief of the holy See. A parliament was summoned to assemble in the month of January A. D. 1301, to consider this astonishing claim, and a mandate issued to command all religious houses,* and other societies, to make search in their records for evidence touching the matter. The result was, an express declaration of the barons that they, as guardians of the rights of the crown, would never permit their king to answer judicially before the pope touching any of those rights. After this explicit answer, the English arms carried with them victory wherever they passed.

The metropolitan See of York had commenced a claim of jurisdiction over the See of Durham which could not easily be renounced. The death of archbishop William did only occasion the dispute to subside a little; for his successor, John Romaine, some few years after his accession, and whilst bishop Bek was attending the business of the state, and then accompanying the king on the northern borders about the affairs of Scotland, sent to Durham, by the pope's authority, John de Emelye his notary-public, and William de Wilton of Pickering,† his clerks, with official letters of citation, and canonical mandates. John de Maydenstan constable of the Castle of Durham, and others the bishop's officers there, esteeming this an intrusion on the privileges of the See, imprisoned the messengers in the Castle of Durham, and there held them in close durance until the bishop's

* Prynn, v. iii, p. 885.—Ibid. to the prior and convent of Durham.

† In the record called J. de Aurelia, and W. de Worlton dict. de Pyke.

instructions could be obtained, who approved the conduct of his officers, and ordered the prisoners to be detained, in defiance of several admonitions sent him in writing by the archbishop to enlarge them; on which the archbishop thundered out a sentence of interdict against him for not releasing them, "contrary "to his canonical obedience, to the peril of his soul, and the "great injury, high contempt, and attenuation of his archiepis-"copal authority, church, and religion: and for refusing to give "any competent satisfaction for those contempts, after the par-"ties were released by process out of the king's secular courts, "he issued his precept to the prior of Boulton to excommuni-"cate the bishop of Durham in the churches of Allerton and "Darlington, and other places."* The prior accordingly published his excommunication, according to the mandate, which occasioned a complaint to come before parliament in the ensuing year. The whole record is in Ryley, p. 135 to 141.† "In "which memorable case and judgment (Prynn's words are) we "may observe, first, the bishop of Durham and his officers high "contempts of the archbishop's citations, admonitions, suspen-"sions, excommunications, and of the privilege of his clerks, "whom they apprehended and detained in prison, notwithstand-"ing their orders, for endeavouring to serve a citation on the "bishop. Secondly, The archbishop's high offence against the "king's crown and dignity, in presuming to enforce the bishop "and them to release his imprisoned clerks by his own ecclesi-"astical censures of interdict and excommunication, not by the "king's processe and authority according to the law and custom "of the realm. Thirdly, The archbishop's justification of this "his usurpation to the uttermost, and his demurrer to the king's "and parliament's jurisdiction to question or judge him for it. "Fourthly, That for any archbishop or prelate to excommuni-"cate any person in the king's service, or attending on his royal "person by his command, and under his protection, or any other,

* Prynn. v. iii. p. 456.

† Et Ric'us de Bretenill qui sequiter p' rege dicit quod pred. e'pus Dunelm. habet duos status, viz. statum episcopi quoad spiritualia & stat. com. placii quoad ten. sua temporalia. Et dicit, quod licet pred. archie'pus ei precipere possit et canonica mandata sua sibi transmittere in hiis quæ ad ecclesiam suam pertinent, &c. Tamen quantum ad ea que ad feoda temporalia que de domini rege tenet spectant. & in quibus transgr. quecumq. facto ad ipsum regem sive ad ipsum episcopum pred. nomine regio pertinent audire & emendare, &c. pred archie'pus ratione offici sui spritualis nullam habet seu habere potest jurisdictionem, &c.

Et idem archie'pus &c. dixit quod pred. epus Dunelm. duplicem statum habet, unum (viz.) temporalem quoad baroniam quam tenet de rege, & alium spiritualem, &c.

Postea venit predict. archie'pus et fecit finem cum d'no rege pro transgr. pred. pro quatuor millibus marc. p' scriptum suum in hec verba, &c.——Placita Parl. A. 21. Ed. I. N. 17 & 18.—Ryley, p. 141.—Prynn, v. iii. p. 564.

" for temporal affairs, is a very high contempt, offence against " the king's crown and dignity, tending to the king's and his " heirs disinheriting, by the unanimous resolution of the king, " and of all his nobles, barons, judges, council, in this parlia- " ment; which they adjudged to be punished not only then, but " in all succeeding ages, by imprisonment of the persons of such " archbishops, bishops, and others, who should be found guilty " thereof, and also by great fines and ransoms to the king. " Fifthly, That this archbishop was then adjudged to be commit- " ed prisoner to the tower, notwithstanding his pall; and enforced " to enter into a recognizance, with sureties, to pay a fine of 4000 " marks to the king, notwithstanding his insisting on his archi- " episcopal privileges, and the nobles' mediation on his behalf: " A great sum in that age."

The bishop, amongst his other qualities, had an unbounded arrogance of mind: He attempted to break in upon the privileges of the convent, which he wished to govern as his caprice or pride might dictate. He obtained the resignation of prior Richard de Claxton by his subtlety, and appointed Henry de Horncastre guardian of the church, until a prior was elected, contrary to the usage of the convent, it being the sub-prior's duty. Hugh de Derlington formerly prior, was appointed; and the resigning prior had assigned to him for maintenance, the cell of Weremouth, with the tithes of the vill of Sudwick. Prior Hugh resigned, and, in the spring of the year 1299, Richard de Hotoun was elected to that office. In the year 1300, various dissentions began between the bishop and prior.* The prior was accused of great irregularities, touching the lands of Coldinghamshire; and the bishop was required, by several to visit the convent, and reform the abuses. The formalities insisted upon, on this occasion, not being submitted to by the bishop, the prior requiring that he should visit alone, he was induced in the height of resentment, to excommunicate and suspend the prior; he also pronounced an interdict against him, and at length a sentence of deprivation. The convent on this occasion was divided: Among those on the side of the bishop were the priors of Finchale and de Insula. The bishop, in the next place, descended to open acts of violence: He entered the park of Beaurepaire, and destroyed the game which abounded therein. The bishop's servants committed various outrages against the prior, imprisoned his people, and prevented the necessaries of life being carried into the convent. The king who knew the overbearing and impetuous temper of his bishop, willing to prevent the disgrace such animosities and conflicts

* Rob. de Graystanes—Ang. Sac. p. 748, &c.

bring upon religion, interposed as a mediator, and, in his journey to Carlisle, passed aside to Durham, in order to restore peace there. He enjoined, that the prior should continue in his office during life; and that the bishop, when he visited, might be attended by three or four of his clergy; and thereupon declared, that the party who first infringed the accommodation he had concluded, should make him his utter enemy; which he punctually maintained; for the bishop, soon after, renewing his acts of violence, the king took the part of the convent in the warmest manner. The dissention of the monks was succeeded by a breach between the bishop and his people, no doubt fomented at this time by the influence of the deposed prior, to encrease the public odium against the haughty prelate. The people complained, that the bishop compelled them to attend him with horse and arms in the war with Scotland, and when some of them returned home without leave on the second campaign, on his return to Durham he cast them into prison there. They pleaded, that this was a violation of their liberties and privileges; "that they were hali-"werke folks, (that is, registered or enrolled for holy work;) that "they held their lands by service of defending the body and pos-"sessions of St Cuthbert, and ought not to march out of the "confines of their bishopric, namely, beyond the Tyne and Tees, "in the service of their sovereign or bishop." The leaders of this dissention were Ra. de Neville and John Marmaduc, to whom were joined the chief part of the military and free tenants of the bishopric, who brought the complaint before parliament.

Three months after the supension and deposition of the prior, the bishop convoked the monks who were in his interest, and enjoined them to elect a prior, or otherwise he would appoint one himself. On their refusal, he named H. de Luceby prior of Holy Island, to be prior of Durham; and, in order to give him possession, and eject prior Richard, he sent for his foresters of Weredale and men of Tynedale, who beset the convent, and kept the monks shut up, not permitting provisions to be carried in: They cut the aqueduct which supplied the house with water; forced open the gates of the priory and cloister, and so closely confined the prior and monks in the church for three days, that they were in the greatest distress for want of sustenance. At length, on the day of St Bartholomew, some of the monks, who were the bishop's adherents, pulled the prior from his seat, and H. de Luceby was immediately installed; after which the monks professed obedience, under the influence of such coercion and terror. Prior Richard was put under confinement, with two monks most attached to him. It is said the new prior accepted the of-

fice because the bishop had vowed, on his refusal to prefer some foreigner.

Prior Richard, thus in confinement, studied in what manner he should effect his escape; and having obtained permission to take the air, with due attendants, he came to Shincliff bridge, where he was met by eight persons, who led a horse properly furnished, and obliged him to mount. On this his guard, in astonishment fled to the convent. The prior escaped into Cleveland, where he remained till the parliament met at Lincoln, when he complained of the injuries he had sustained, and then obtained the king's letters* for passing to Rome, to lay his grievances before that court. In the same parliament appeared many persons of the bishopric on the complaint before mentioned. The king at that assembly was much offended with the bishop; for, asking him whether he stood with him against the earls Marshall and Hereford, and the other barons of the realm there met, the bishop replied, "That those personages were assiduous in the promotion "of the honour and interest of the king and the realm, therefore he "stood with them, and not with the king against them." This noble speech preserves the bishop's name to posterity, and ought to have had a more immediate reward in the esteem of good men. It enraged the king against him, already inclined to be his enemy; he dissembled a reconciliation with the earls, but thenceforth held the bishop in the greatest hatred. Bek's situation and abilities were such, that it appears as if Edward looked upon him too powerful for a subject, and, notwithstanding his services, sought occasion to reduce his influence. He is described as the richest prelate (if we except Wolsey) that ever held the palatinate of Durham; for, besides the revenue of his bishopric, he possessed a temporal estate of 5000 marks a-year part of which, it is said, he gained by unjustly converting to his own use an estate which he held in trust for the natural son of the baron de Vesey. Camden speaks of this transaction with just condemnation, and says, that William de Vesey,† whose legitimate son John died in the Welsh wars, gave some of his lands in Ireland to king Edward, on condition that his natural son William de Kildare might inherit his estate, and made our bishop his feoffee in trust for the use of his son, who did not acquit himself justly in this confidence; for he alienated the barony and Castle of Alnwick for a large sum of money to Henry lord Percy, in whose family they have hitherto remained.‡ Eltham was another part of Vesey's estate, where the bishop built an elegant palace, and presented it to Edward's consort. But

* Prynn, v. iii. p. 912. Pat. 29th Ed. I. m. 23.
† Camden, v. ii. p. 912. ‡ Lel. Col. v. ii. p. 334.

these instances of misconduct could not so effectually serve to alienate the king's affections: He had filled the highest trusts and employments in the state with character; he rendered the king important services in the war, and was not only a man of deep erudition in that age, but also possessed of much perspicuity and a fluent eloquence. By the defection of John Baliol, his large possessions in the territories of Castle Barnard, within this jurisdiction, became forfeited, and were escheats to the bishop in right of his See, as were those of Robert Brus at Hert, Hertness, or Hartlepool. These were important possessions, and enlarged the powers of the palatinate of Durham. The port of Hartlepool, which was Brus's, was part of the forfeiture, and falling into the bishop's hands, became a great addition to the importance of this province. The navigation of the river Tyne was partially possessed; the bishop had quays on the southern shore, and the king on the northern; so that in such situation, the ships of the bishop were overawed by the fortress of Newcastle, and the king's garrison there. The port of Weremouth was not then much used, and is hardly mentioned. Indeed, on Malcolm's expedition, he found, on board some small vessels there, Edgar, with his family and adherents, prepared to sail for Scotland. The chief possessions there appertained to the religious society. Hartlepool was open, and well calculated at once to fit out an armament, as to secure a fleet, so as to be ready on every emergency: It was of sufficient consequence in bishop Pudsey's time to receive ships from Flanders, in which he brought 500 foot soldiers, with the knights that garrisoned Northallerton Castle. The regalia of the bishop already appeared too great in the eye of Edward for a subject, and no wonder he should be desirous of reducing them, and abridging the power of a prelate, of whose strength and capacity he had received so perfect an example in the Scottish war. To support the appeal of the bishop's military tenants, and restrain them within the confines of the palatinate, would, in a capital degree, have effected his purpose. Baliol's possessions, on the western confines of the province, was of great importance in cases of intestine broils. The fortress of Castle Barnard had hitherto proved impregnable, and it commanded an extensive tract of country, from whence abundance of supplies in provision could be drawn on any emergency; besides, it was a bulwark of the highest importance on any incursions of the Scots. It is not probable the disputes with the convent, or a trespass committed against the liberties of the bishop's military tenants, which in effect proved so serviceable to the king, would have been estimated in so criminal a degree as they were, had not the king's mind been inclined

to seek occasion for a rupture. He could not so readily have forgot the faithful and valuable services he had received from the bishop, and give up his whole spirit to aversion and oppression, had not some latent motives influenced his misconduct. The bishop had 140 knights in his suite at this parliament.

In consequence of the deposed prior's application, the bishop was summoned personally to answer the charge made against him, in the court of Rome. He did not obey this summons, sending proctors thither to answer for him. His adversary was graciously received by the pope and cardinals; Lucebey's nomination was adjudged irregular; and restitution was decreed to the prior. The bishop's disobedience was next proceeded upon: The pope pronounced his contumacy and suspension from episcopal function; and he was then cited to appear at Rome under great penalties. He obeyed this citation, and in his entry into Rome made a most splendid parade. He received especial marks of favour from the pope, whose ordonance, on his return, he brought with him, confirming his right of visiting the convent, with two clerks, a notary, and one religious of the same order. It appears that the bishop left England, on this journey to Rome, without the king's licence; which was imputed to him as an additional offence, and contributed to bring upon him, or at least was seized as a pretext for, the severity of prosecution and wrath of the king, afterwards exercised against him.

Under these increased offences, the king seized the liberties of the palatinate, and appointed Robert de Clifford custos thereof, with a stipend of 200 marks a year out of the revenues of the See: William de Ormesby justiciary, with a stipend of 60 marks per annum; Henry Gilford keeper of the seals; and other officers, turning out the bishop's chancellor, and those of his appointment.* The bishop stood deprived till the parliament was assembled in the succeeding year, when an agreement was entered into between the bishop and the men of his province, which was made a record of that high court: The chief articles of privilege then established are as follow†.

That no freeman shall be imprisoned by the bishop's bailiffs in his franchise, otherwise than is used in other places in the realm, and the inquests to be made by the bishop's coroners, as is elsewhere used in the realm, according to the form of the statute.

The people prayed that no freemen of the bishopric be impleaded in court Christian, but only in case of wills and matrimony; and that those who are impleaded on other matters in the same

* Prynn, v. iii. p. 939. † Ibid. p. 990.

court, may have prohibition and attachment against the official, as well as against the party. The bishop grants, that prohibition or attachment shall be denied to none; and that those that contravene the prohibition shall be punished according to law.

Every man may make a mill, so that it be not upon land that owes suit to the bishop's mill; and that every man may win mines of coal and iron in his lands, and also where others have common, in the same manner as the bishop does in his lands, and where others have common.

And whereas no freeman ought by custom to be impleaded except in the free court of the bishop, yet the bishop's bailiffs compel them to be impleaded at the helemotes, and amerce them among villains, contrary to the common law of the realm. The bishop grants, that no freemen shall come, unless he will come there to complain against a villain; and if wrong is done him by any villain, and he will complain of it elsewhere, in the free court, a writ shall be granted him.

The men of the bishopric used to be free of toll and all manner of duties in the out villages, but the bishop's bailiffs of late have taken money for toll of those who buy corn and cattle in the extreme villages, as in market towns; a thing never done in the time of the bishop's predecessors: The bishop therefore grants that no toll shall be taken, except in the same places and in same manner as used to be taken anciently.

No carriage to be taken, except in time of war, from the freemen. No subbailiff of the coroner be mounted on horseback.

All the people of the bishopric used to have free ingress and egress at the gate of the Bailey, to go to the holy body of St Cuthbert; but the bishop and his officers of late, have not permitted it. The bishop grants that none be disturbed in future, except in time of war, and other times when guard is to be kept there; and even at such times they may go freely in and out, except people of suspicious character and appearance.

The following articles relate to the rights of the chace, and of forests and commons.

Though the matter of service in war, without the limits of Tyne and Tees, is not determined in this record, yet the imprisonment of offenders is restrained, and, in consequence, those who might in future return from such service without leave, are declared free from the punishment complained of.

It appears that the bishop had made submission to the king; for, after this agreement, he was received again to the royal fa-

vour, and his bishopric was restored.* But the displeasure the bishop had entertained against the convent could not be removed; his obstinate pride was superior to reconciliation, and an indignity once committed could not be expiated: Such was the prelate's inexorable temper. Pope Boniface having departed this life, Benedict was elected to the See of Rome, from whom the bishop obtained a bull, directed to the archbishop of Canterbury and the bishops of Lincoln and Worcester, commanding them to visit the convent of Durham. The bishop accused the prior of dilapidations and other offences, touching which the pope commissioned the above-named prelates to make due enquiry; but before any determination was had the pope died. In the year of 1305 pope Clement was elected, who, in the first year of his pontificate, created the bishop of Durham Patriarch of Jerusalem.† On the charges he brought against the prior, the pope, at his instance, suspended him, as well in temporalities as in spiritual matters. The prior intending to travel to Rome to make a personal defence, took up his residence for the winter near Canterbury, and sent two monks, his proctors, to prepare his appeal. The bishop committed the care of the religious house to H. de Luceby; and a mandate was obtained from the pope, directing the abbot of Lasenby to give him possession: But when they came to the convent, the monks shut the door against them, and denied them entrance; on which they excommuuicated the prior, the heads of the convent, and all those who refused their admittance. This occasioned new troubles: The pope interfering with temporalities, was an invasion of the rights of the crown, which brought on a judicial examination of the whole transaction, and the parties were loaded with a heavy fine. The prior after-

* The king issued his writ of privy seal to his chancellor to make his special writ of restitution of the franchises.—Ex Bundela Brevium de privato sigillo, &c. A, 31. Ed. I. in Turre, London. Prynn, v. iii. p. 994

The chancellor issued the writ of restitution, directed to W. de Bereford, Rog. de Higham, W. de Ormesby, and H. de Gildeford, Pat. 31, Ed. I. m. 19. intus. Prynn, v. iii p. 996.

Rex &c. Roberto de Clifford custodi suo libertatis episcopatus Dunelm. &c. reddiderimus de nostra gratia speciali, prout in literis nostris &c. Vobis mandamus, quod de dicta libertate vos ulterius non intromittentes, ac etiam vicecomites & omnes alios ministros, &c. amoventes, ipsum episcopum libertate illa uti & gaudere permittatis, &c.—Prynn, ib.

Rex, &c. Willielmo de Ormesby, &c. Vobis mandamus quod de dicta libertate ratoine officii justiciariæ prædictæ vos ulterius non intromittentes, ipsum episcopum libertate illa, &c.—Prynn, ib.

Rex &c. Hen. de Gildeford cancellario, &c. Vobis mandamus, quod de dicta libertate ratione officii cancellariæ prædictæ vos ulterius intromittentes ipsum episcopum libertate illa uti, &c. Et fuerunt patentes, &c.—Prynn, ib.———1306. 34 Ed. I. Ad papam de privatu Dunelmensi & S. Cuthberto. Rymer's Fœdera, v. ii. p. 1005.

† Ang. Sac p. 752.

wards, returning from the southern parts, met the king at Durham, in whose presence he celebrated mass at the altar of St Oswald, on that saint's anniversary. He obtained the king's recommendatory letters to the See of Rome, and was received by the pope and cardinals with great attention. After a short time he prepared to return, with a sentence of restitution, for which the treasury of the convent was commanded to pay 1000 marks; but the prior departed this life at Rome, and his goods, horses, plate, books, and jewels were confiscated to the pope's use. William de Tanfield, prior of Wederhall, succeeded, at the instance of the See of Rome, who was charged with purchasing this office by the payment of 3000 marks to the pope, and 1000 marks to the cardinals.*

The king having failed in his purpose of humbling bishop Bek by the authority of his parliament, on the complaint of the men of his palatinate, lay wait for occasions to effect his purpose; and, in the year 1306, he again deprived the bishop, and seized the liberties of the bishopric, for various new offences charged against him.† In his late quarrels with the convent, he had procured such instruments from the court of Rome as were adjudged injurious to the rights of the crown: He had also shewed his contempt of the king's command, in persisting in his persecution of the monks, besides other offences now imputed to him, by which the king's resentment was renewed. Indeed it appears he was assiduous in seeking occasion to humble the prelate, as well as gratify his implacable hatred, which, notwithstanding late appearances, still rankled at his heart; and, after this last breach, he never was reconciled to the bishop during his existence. The guardianship of the bishopric was again committed to Robert de Clifford. The king now stretched his authority to that pitch, as to sever from the palatinate Barnard Castle, with its appendages, which he granted to the earl of Warwick: Hert and Hertness, or Hartlepool, he also took away from the bishop's lands, and granted to Robert de Clifford; and Keverston, which escheated to the palatine on the forfeiture of Christopher de Seaton, was given by the king to Geoffrey de Hercempole.‡ It is observable, that the convent of Durham, at the king's instance, confirmed those grants under their conventual seal: But the king conscious of the injury he was doing to the rights of the church, inserted a protecting salvo in the instruments by which these territories were conveyed. The king also dismembered from the See, Werk in Tindale, Penrith in Cumberland, and the church of Symond-

* R. de Graystanes.—Lel, Col. v. i. p. 270.—Ang. Sac. p. 753.

† A. D. 1306, Robert de Clifford appointed custos. Pat. 31. Ed. I. m. 40. Prynn, v. iii. p. 1149.

‡ Lel. Col. v. ii. p. 391.—Ang. Sac. p. 754.

burn in Northumberland, which the bishop had the gift of the king of Scotland, alledging they were previously forfeited to the crown.

Whilst the bishopric was under this last seizure, and in the keeping of Clifford, the nominees of the See of Rome prepared, by virtue of their commission, to enter into those liberties, to enforce payment of arrears of certain dismes, notwithstanding the king's several prohibitions; on which, by advice of his council, he issued his mandate to the guardian, strictly commanding him not to permit them to execute any thing there touching that matter. This and other oppositions, offended the pope so much, that he sent letters to the king, complaining of the wrongs he had done to the church at Durham, and commanding him to reform such excesses, and make restitution.*

At the parliament held at Carlisle, 1307, immediately preceding the king's death, it was represented, that the bishop of Durham had greatly wasted the woods appertaining to his bishopric, particularly by supplying iron forges, smelting of lead, and making charcoal; on which an inhibition was awarded, to prevent such waste in future.†

The various circumstances attending king Edward's last campaign in the Scottish war, are not sufficiently pertinent to this work to demand a place here. Brus was now at the head of the Scottish army, and the king, with all the inveteracy of implacable hatred, vowing the utter ruin of a nation whose greatest offence was resistance of his oppressions, and their love of liberty, now carried with him the prince of Wales, to inspire his heart with the same rancour which irritated the vengeance his father cherished. He conferred the order of knighthood on a band of 300 youths, sons of the greatest English families, who were to share the laurels preparing for the prince their leader. The king made a bloody vow on the occasion, which his son seconded by a similar one, purporting, that he would not rest two nights in one place, till his father's purpose was accomplished. The succeeding events were full of the tremendous executions of war. Christopher Seaton, brother-in-law to Brus, with several other prisoners of the first rank, were drawn, hanged, and quartered at Dumfries. Thomas and Alexander Brus were made prisoners, and executed at Carlisle. But those severities could not subdue the spirits of a fierce and heroic people: The loss of relations, the cry of injuries, and the spoil and devastation of a country, only irritated them to more desperate acts of valour, and insuperable fortitude, adding thereto the rage of despair, and the gall of revenge. Brus,

* Prynn. v. iii. p. 1130. † Ryley's Plac. p. 335.—Ang. Sac. p. 745.

with a small army of desperate heroes, gained a multitude of advantages against the parties with whom he engaged, which induced the king, then in a very precarious state of health, beset with the infirmities of old age, and labouring under threatening shocks of an incurable disease, to march from Carlisle, at the head of the main army; but he was not able to advance further than about two miles north of Burgh upon Sands, where he expired in the arms of his attendants.

Thus departed one of the greatest monarchs that ever wore the diadem of England. He was a man of a clear judgment, possessing a mind fired with the quickest apprehension, and the justest images. His valour and courage were superior to every danger: In military knowledge he was not equalled by any cotemporary, and in ardour he outstripped the generals of the age. His temper was hasty; he was jealous of an affront, and unremitting in his enmity. He paid all due reverence to the ministers of religion, yet was no bigot, and detested superstitious slavery. As a legislator, the laws made in his reign have spread their influence to this distant age, and greatly contribute to maintain the happy constitution of this kingdom. Whether the commons were admitted distinctly to a share in the legislative body of this nation, before his reign, is a matter of speculation too deep and intricate for these pages; but certain it is, under this prince they stand confirmed as part thereof, and from his time have constantly formed a branch of the legislature, and thereby maintained, and rendered permanent, the liberties of the subject, and the franchises of this highly favoured country. This, and the law respecting tallages, make the memory of Edward I. immortal to the lovers of this country.

It is observable, that, in 1295, when Edward caused the sheriffs to invite the towns and boroughs, of the different counties, to send their deputies to parliament, and when the representation of the people was more especially called for in the great assemblies of the state, this palatinate did not partake of the invitation, but, holding fast its ancient privileges the bishop, with his council, formed those provincial institutes which were necessary for the government of this district. The viceroy and his people were subject to the general laws of the empire, and they were obligatory on this province; but the ancient legislation prevailed in the peculiar rules and orders of the palatinate. Durham was no otherwise represented in parliament, than by the prelate's sitting in the house of peers.

This being a great æra in our constitution, it may not be amiss to remark in this place, that the statute of Henry IV. which enjoins proclamation to be made by the sheriff in his county, doth

not imply, that all persons present there should proceed to election of knights, but only all *suitors* of that court; so that the succeeding restriction to qualifications of 40s. a-year was not an exclusion which operated on inhabitants at large,* but freeholders only, for such were suitors of the county, and few they were in number in that age. In consequence, the modern cry of general representation is not grounded on principles of that antiquity, but must refer to much more distant, even in the Saxon times, of whose customs in regard to the witagenmote, we have imperfect evidence. The statutes relative to proclamation of writs of election remedied the partial summons sheriffs had been used to give, they, being officers of the crown, too frequently, in servility to government, summoned only such as were certain to accord with the measures proposed.

Edward II. no sooner succeeded to the throne, than he testified a dislike to the vengeful injunctions of his father: He made a short progress into Scotland, and, leaving a general there, more for the purpose of receiving the submission of those who were not adherents to Brus than to prosecute the war, he repaired to the capital. But this was not the most striking instance of his contempt of his father's will; for, contrary to his most earnest injunctions, even attended with a horrid curse, he recalled from exile his licentious favourite Gaveston, and, heaping honours upon him, amongst other instances of high distinction, created him earl of Cornwall. It is presumed bishop Bek joined with the flatterers who crouded round the throne of this dissolute prince, and encouraged his affections for Gaveston; and by insinuations of the like depraved nature, ingratiated himself into king Edward's favour, through which he not only obtained restitution of his bishopric, but also a grant of the sovereignty of the Isle of Man for life: So that from the disgrace which overshadowed him in the close of the last reign, we see him emerging with the distinguished dignities of palatine of Durham, king of Man, and patriarch of Jerusalem. The restitution was made at Carlisle, 4th September 1307,† under the specious language, "for the honour "of God, of the glorious confessor St Cuthbert, and for the es- "pecial affection he had long entertained for the bishop." But though the bishopric was restored, the grants of Bernard Castle, Keverston, Hert, and Hertness, were not reversed; neither do

* So inconsiderable was the number of freeholders, prior to the 8th Hen. VI. 1429, that, for every individual then, there were at least fifty persons who possessed the right of voting at the last general election; and, at the above date (1429,) not one in an hundred persons was a freeholder, possessing the boasted franchise.

† Rym. v. iii. p. 9.

we hear of any attempt made by the bishop to recover them.*

Brus still advanced in power, and made rapid progress in the reduction of those leaders who opposed him; yet amidst various successes against the English forces, a truce was agreed upon; and, at the conclusion of the term stipulated for that armistice, the king of England ordered a body of forces to rendezvous at Berwick; to which place the bishop of Durham was required to send from his bishopric 300 men, and 200 from Tynedale;† but a second truce succeeded. This recent instance, after the privilege claimed by the military tenants of the palatinate, proves that their liberties were not adjudged by parliament sufficiently extensive to protect them from carrying arms beyond the limits of Tyne and Tees. The king's embarrasment touching his favourite grew to a great head. Gaveston's insolence, overbearing authority, and lascivious character, gained him the utter detesta-

* 1307. 1 Edw. II. Pro Antonio Bek de libertate ecclesiæ Dunelmensi restituta. ——Rymer's Fœdera, v. iii. p. 8.

——— Ad Papam pro Antonio Bek patriarcha Hierosolymitano. ——Ibid. p. 25.——

1308. ——— De majestro millitiæ templi in Anglia liberando Anth. patriarchæ Jerusalem, et episcopo Dunelmensi.——Ibid.

——— Pro patriarcha Jerusalem & episcopo Dunelmensi.——— Ibid. p. 85.

——— De concessionibis dicto patriarchæ.——Ibid.

1309. 3 Edw. II. Pro Antonio Bek episcopo Dunelmensi de malefactoribus puniendes.——Ibid. p. 146.

——— De peditibus in Anglia contra Scotes eligendes ep Dunelm. ——Ibid. p. 159.

——— Carta Ant. Becke episcopi Dunelmensi qua baronium de Alnewick Henrico de Percy concessit.——Ibid p. 183.

——— Pro Henrico de Percy de convenientionibus cum Anth. Becke episcop. Dunelmensi.——Ibid, p. 185.

——— De placito pridem reservato regi coram Anth. Beck episcopi Dunelmensi.—Ib. p. 193.

——— De placito pridem reservato regi coram Anth. Beck episc. Dunelmensi audiendo.—Ib.

1310. ——— Confirmatio cartæ Anth. Beck, ep. Dun. H. de Percy sup. don. baronie de Alniwyk.——Ibid. p. 199.

1310. 4 Edw. II. De navigio Roberti de Brus ab Insula de Man amovendo. ——Ibid. p. 238.

——— Pro Henrico de Percy carta Antonii Beck, patriarchæ Hierosolym, ratificando per regem. Manor of Langley.——Ibid p. 241.

William de Monteacute passed the Isle of Man in mortgage, for seven years, unto bishop Bek. Dugd. Bar. v. i. p. 640.—This occasioned K. Edw. I. to summon the bishop to shew his title, and why the crown should not resume the same. Dugd. Mon. v. ii. p. 846. Prynn's Animadversions on the 4th part of Cooke's Inst. p. 203. Claus. 35. K. Edw. I. m. 4. dorso.

† The king issued is writ to enable persons under this summons to compound the service by a money payment. The bishop of Durham's fine, 500 marks. Claus. 5. K. Edw. I. m. 12, dorso. Prynn, vol. v. p. 1000.

tion of the barons, who formed a party so powerful in the parliament held at Westminster, A. D. 1310, as to oblige the king to confer, on a select committee of twenty-one persons, full authority to ordain every reformation requisite for the good government of the state, as well as regulation of the royal household; whence they had the name of *lords ordainers*. It appears that the patriarch, after he had gained his purpose, withdrew his flattery from the follies of the prince, and attached himself to the barons and prelates who opposed the king's errors. King Edward, in September, entered Scotland with a powerful army, by the eastern march: The great earls of Lancaster, Pembroke, Warwick, and Hereford, remained in England, professing such a detestation of Gaveston, that they would not serve the king in his army where he was present; but whilst they remained at home, were studiously concerting measures for restraining the regal power within constitutional limits, and for separating the execrable favourite from the arms of his sovereign. The king made no extensive progress in Scotland, but, where he passed, he reduced the country to a desert, destroying every thing on the face of the earth; which acts of barbarity were followed by a dreadful dearth, in which the inhabitants were obliged to sustain life with carrion, and others the most miserable means.

On the 3d day of March, A. D. 1310, died the patriarch bishop, after a life of the highest opulence and splendour, he having possessed this See twenty-eight years.*

His public works were magnificent. In the year 1292, he erected the parish church of Chester in the Street into a deanry, with seven prebends, obliging the dean and prebendaries, by oath, to personal residence. He did the like at Lanchester, and obtained the royal confirmation thereto.† He founded the priory of Alvingham in Linconshire, the revenue of which, at the dissolution, amounted to 141*£*. 15s. He gave the manor of Evenwood to the cathedral church of Durham.‡ He rebuilt the manor-house at Auckland, which he castellated, added thereto an elegant chapel, and appropriated the church of Morpeth for the maintenance of the chaplains appointed to perform divine service therein. This appropriation, after his death, was reversed

* A. D. 1311. 4 K. Edw. Syll. 9. De custodia ep. Dunolm. commissa. Num. 94
De custodia ep. Dunolm. comissa. — 98
De custodia ep. Dunolm. commissa. — 101
In terra que fuerunt Anton. nuper Dunolm. episcopi non intromittendo, ... — 111

" Syllabus seu Index Auctorum Manuscriptorum.—Rymer.—Capitula Auctorum. Dat. Reg. Edw. 2°. Vol. i.

† Prynn, v. iii. p. 460. Vide Lanchester and Chester, v. ii.

‡ Rob. de Graystanes. Ang. Sac. p. 754.

by Ralph, son of William lord Greystock, who recovered the right of presentation to the same at law. Leland seems to have confounded the chapel at Auckland Castle with the deanry of St Andrew Auckland: His words are; "He made also an exceeding goodly "chapel ther of stone, welle squarid, and a college, with dene "and prebendes yn it, and a quadrant on the south-west side of "the Castell, for the ministers of the college."* The bishop built the Castle of Somerton, near Lincoln, which he gave to the king, who afterwards granted it to H. de Bello-monte. He also built the manor of Eltham, as before observed, which he gave to the queen; the remains of which, to this time, point out the magnificent taste of this prelate. He added greatly to the buildings of the Castle of Barnard, and also to Alnwick Castle.† He also made some considerable erections at Gainford and Coniscliff, as well as other parts of his bishopric. He gave to the church of Durham two pictures, containing the history of our Saviour's nativity, to be hung as an ornament over the great altar on the festival of Christmas.

Mr Noble says of this prelate's coinage, "There is no other "money of this bishop, or of any of his successors, but pennies: "The reason of this is, that when the bishops of this See obtained "the grant of a mint, it was the only sort of money we had: "The archbishops of Canterbury and York for some time coined "only the penny. The first ecclesiastical mint that struck any "other sort of money than the penny, was that of the abbots of "Reading, who had a particular charter for that purpose granted "them by K. Edward III. in whose reign we have the penny, "halfpenny, and the farthing.‡ It seems very strange that the "prelates, particularly the metropolitans, should not have had "this privilege as soon as the abbots of Reading. In process of "time, however, half groats, and half pence, were coined in the "mints of the archbishops of Canterbury and of York; and the "ambitious Wolsey, as primate of York, was bold enough to "coin groats."

This prelate's money is distinguished by a cross moline (his family arms) upon some part of them, whereof he was ostentatious, as appears by his seal.

Mr Noble gives examples of the coin.—"No 1. on the obverse, is, EDW. R. ANGL. DNS. HYB.; on the reverse, CIVITAS

* Leland's Itin. v. i. p. 78. † Biog. Brit.

‡ Mr Leake's Historical account of English Money, p. 91, 92. and Mr Bartlet on the Episcopal coins of Durham, &c. vol. v. of the Archaelogia, p. 338. The latter gentleman acquaints us, that the abbot of Reading had a grant from K. Edw. I. to coin pennies.

DVREME: On both sides, the cross moline precedes the legend, in the same place as the mint-mark afterwards was put, No. 2. the cross moline appears in the second quarter, in the room of the three pellets: it reads also, CIVITAS DUREME. Both these it may be observed, were coined during the reign of K. Edw. I. The money coined by this bishop, in the reign of K. Edw. II. is distinguished by having the legend on the obverse: EDWA, EDWAR, or EDWARD, R. ANG. DNS. HYB. They have the cross moline placed before the legend: On the reverse we have the same words as on those coined in the last reign; but the cross moline is not upon any part of this side"

In taking a review of this prelate's character, it must be remembered, that he enjoyed a plurality of cures, and was secretary to the king at the time he was advanced to the See of Durham. The first instance in which he shewed the boldness of a resolute judgment, was in his answer to the archbishop's demand of excommunicating his convent. His fortitude, when beset by ruffians at Rome, who broke into his apartment, to revenge the insults committed by his servants, and his answer to king Edward I. which first occasioned his sovereign's hatred, shewed his unshaken magnanimity of soul. Had his other principles been as noble, his character would have been as illustrious as his life was magnificent. But his pride was prevalent in every action of his life: It was the bias by which every part of his conduct was influenced; and that pride affronted, brought forth implacable aversion, as has been seen in his contests with the convent, in which it is evident he could not brook the indignity of contradiction: so highly did he estimate his own consequence. He was pleased with military parade, and martial discipline; but though he was desirous of a retinue of soldiers about him, he affected a seeming indifference and negligence towards them, and shewed no concern whilst the greatest nobles bent the knee to him, and officers of the army waited standing as he sat.* He thought nothing too dear that could contribute to his public fame for magnificence; as an instance of which, Graystanes tells us, one time in London he paid 40s. for forty fresh herrings (now about 80£. sterling money) when they had been refused by the most opulent persons of the realm, then assembled in parliament. At another time he bought a piece of cloth, which was held up at so high a price, that proverbially, it was said to be too dear for the bishop of Durham, which he ordered to be cut into cloths for his sumpter horses. He seized the king's palfrey as a deodand, it having killed its rider in the way to Scotland, within

* Rob. de Graystanes.—Ang. Sac. p. 746.

the liberties of his palatinate. His breach of confidence in depriving the son of Vesey, and selling the barony of Alnwick, was derived from a wound his pride received in some contemptuous jest the bastard put upon him, which he never could forgive; and, in gratifying his resentment, he was guilty of the basest perfidy to his deceased friend. He was so impatient of rest, that he never took more than one sleep, saying it was unbecoming a man to turn from one side to the other in bed. He was perpetually either riding from one manor to another, or hunting or hawking. Though his expences were very great, he was provident enough never to want money. He always rose from his meals with an appetite; and his continence was so singular, that he never looked a woman full in the face: Whence, in the translation of St William of York, when the other bishops declined touching the Saint's remains, through a consciousness of having forfeited their virginity, he alone boldly handled them, and assisted the ceremony with due reverence. This matter cost him a very large sum of money.*

He died at Eltham 3d March 1310, having sat 28 years, and was buried in the church at Durham, in the east transept, near the ferretory of St Cuthbert, between the altars of St Adrian and St Michael the archangel, contrary to the custom of his predecessors, who out of respect to the body of St Cuthbert never suffered a corpse to come within the edifice. It is said, they dared not bring the bishop's remains in at the church door, but a breach was made in the wall to receive them, near the place of interment. He died possessed of great riches, with several jewels, vessels of silver, horses, and costly vestments, which he bequeathed to the church.†

* Rob. de Graystanes.

Pro al's annot. V. Newcourt's Report. v. i. p. 194. Monum. Durham, p. 98. Dugd. Mon. v. ii. p. 846. Dugd. Hist. Durham, p. 77. Hicks. Fuller's Ch. Hist. l. ix. p. 109. Lel. Itin. vol. v. p. 96. He built Durham Place in London, and is said to have built or renewed Kensington, and to have given it to the king, or prince. Gainford and Conscliff Castles were built by him. Tanner says, p. 269, that Alvingham monastery was built long before his time. Hackluit's Voy. v. ii. p. 39. edit. 1599. ——Grey's MSS.

† *The See Vacant.*—Guischard de Charron, and Malcolm de Harleigh, appointed guardians 13th of Jun. 1283. A° Edw. I. 11° oc. again 12th September 1283.—— Prynn, ib. p. 307. v. iii. *ubi multa vide.*—Guischard de Charron was seneschal.

Anthony de Bek, or Beak, bishop:—Licence for electing, 18th Jun. 1283; elected 9th of July 1283; royal assent, 28th August 1283; consecrated 9th Jan. 1283; temporalities restored, 4th September 1283; died 3d March 1310.

Officers of the See during the Time of bishop Bek.

Guardian,—Robert de Clifford; appointed by K. Edw. I. when he seized the temporalities, A° 30, 17th of July 1301, 1302.—Prynn's Col. v. iii. p. 938.

His tomb was covered with a large marble, with the following inscription on a brass plate around the same, according to Willis:*

Presul magnanimus Antonius hic jacet imus,
Jerusalem strenuus patriarcha fuit, quod opimus
Annis vicenis regnabat ser et j plenis
Mille trecentenis Christo moritur quoque denis.

In an ancient heraldic poem, intitled The Siege of Karlaverock in Scotland, preserved in the Cotton library, (Caligula. A. XVIII.) enumerating the barons, knights, and gentlemen who

———He was put in *custos* again, when the king seized the liberties a second time, 6th December, 34 K. Edw. I. 1305.—Prynn, v. iii. p. 1149.—Oc. *custos* 16th June 1306. Ibid. p. 1130.

Keeper of the Great Seal,—Hen. de Gildeforde, Clk.

Sheriffs,—Sir Ra de Warsop, 1289:—Joh'es de Skyrelock, 1303:—Rad. de Warsop. 1309.—Rich. de Stanlaw, 1310,—Grey's MSS.

Temporal chancellors,—William de Greenfield, archbishop of York.—Grey's MSS.

Peter de Thoresby; oc. 1289; master of Keyper Hosp, 1300, &c.

Roger de Waltham.———Prynn's Col. v. iii. p. 996.

Henry de Gildeford, Clk. ap. 24th July 1302 by K. Edw. I. when, &c, removed by the king, 8th July 1303.

Chief Justice,—Sir William de Brompton.———Dudg. Bar. v. i. p. 292.

Constable of the Castle,—John de Maydenstan, 1292.—Prynn, v. iii, p. 456 and 561.

Seneschals,—Will. de Sco. Botolpho, about 1292; again 1298 and 1299.

Step. de Malo-lacu (Mayley,) 1299. Preb. of Bugthorp in Y. Ch. 23d Nov. 1298, and died before the 24th September 1317.—Willis's Cath. v. i,—Step. de M. *fuit. vic. general. Antonii de Bek, annis* 1307 & 1308. V. Ang. Sac. v. i. p. 753.—Archdeacon of Cleveland 1289, and held it till 1304. Willis, p. 101.—He is a witness to a deed of confirmation, made by the prior and convent of Durham, of a grant of bishop Bek to Gilbert de Scaresbrek, dated 14th of August 1308. Oc. preb. of Auckland, and parson of Halaughton, annexed to it, 1311.

Gilb. de Mak Asky, or Makeskal. Oc. 15th and 16th Dec. 1310. Rym. tom. iii. p. 238.———Randal's MSS.

* Bishop Tanner mentions a number of Anthony Bek's preferments; but there is a confusion in the account of them which we should not have expected in that learned writer; and two of them are evidently irreconcileable with chronology, being placed several years after Bek's death. The subject is so trifling, that we shall not enter into a farther discussion of the matter. Though it is said in the text, that our bishop died in 1310, we think that Godwin, Wharton, and Tanner, place it with greater propriety in 1311. The same time, indeed, is intended; but it ought to be remembered, that our earlier writers usually reckon the beginning of the year from the birth or circumcision of our Saviour, and not from the annunciation. By the way Dr Richardson, in a note, corrects Godwin, as guilty of a mistake, and refers to privy seal in Rymer's Fœdera, for seizing our prelate's temporalities into the hands of the king, as a proof that Bek's death should be dated in 1310. It happens that the authority of the Fœdera is directly on the other side. Leland speaks of Anthony Bek's writings: No traces of them, however, we believe, are now to be found. Robert de Graystanes' account of him is not a bad picture of the ecclesiastical pomp of the times, or rather of a pomp somewhat beyond the episcopal spirit even of that age itself, bishop Bek having been uncommonly rich.———Kippis's new edit. Biographia Britannica, vol. ii. p. 148.

attended Edw. I. to that siege, in 1300, we find, among others, bishop Bek and his forces described as follows:

Par amours et par compagnie
O eus fu jointe la maisnie
Le noble Eveske de Doureaume
Le plus vaillant clerk de roiaume
Voire voire de Crestiente
Si vous en dirai verite
Par coy se entendre me volez
Sages fu et bien en parlez
A tempres droiturjers et chastes
No onques riche home ne aprochastes
Ki plus bel oderaste sa vie
Orguel convetise et envie
Avoit il del tout gette puer
Non porquant hautain ot le cuer
Porses droitours maintenir
Si kil ne lessoit convenir
Ses enemis par pacience
Car de une propre conscience
Si hautement se conseilloit
Ke chescuns se ensemerveilloit
En toutes le guerrers le roi
Avoit este de noble aroi
A grant gens et a grands courtages
Mas je ne say par quels outrages
Dont un plais li fu entames
En Engleterre estoit remes
Si kan Escoce lors ne vint
Non purquant si bien li sauvint
Du roi ke emprise la voi a
Ke de ses gens li envoia
Cent et scissante homes a armes
Onques Artours por touz ces charmes
Si bean prisent ne ot de Merlyn
Vermeille o un fer de molyn
D'ermine i envoia se enseigne

With them were joined, both in company and affection, the forces of the noble bishop of Durham, the most valiant clerk in the kingdom, and truly a true Christian; by which I would be understood that he was wise, eloquent, temperate, just, and chaste, unequalled by any rich man in his regular manner of living. He had neither pride, avarice, nor envy; not that he wanted a proper spirit to defend his rights, when he could not work on his enemies by gentle measures, for he was so guided by his conscience as to make every one marvel. In all the king's wars he used to appear in noble array, attended by a numerous and honourable retinue.

But he had, I know not in what disturbance, received a wound, which detained him in England, and prevented his coming into Scotland; he nevertheless, knowing the king's expedition, sent him one hundred and sixty of his men at arms, possessed of more accomplishments than Arthur received from Merlin.

He sent also his ensign, which was gules with a fer de molin of ermine.

Although the See continued vacant a very short time, the contentions of the archbishop of York greatly disturbed the convent. The prior and chapter, immediately after bishop Bek's death, exercised their jurisdiction, in appointing officers during the vacancy. This occasioned the metropolitan to thunder out his excommunication against all parties acting therein. A licence was obtained from the king, then at Berwick, for electing a prelate. Bishop Bek departed this life on the 3d day of March 1310; the licence was had on the 20th, and the election on the last day of the same month; the exigencies of state urging that important office to be filled with as little delay as possible. The king, according to custom, appointed Henry de Percy guardian

of the vacant bishopric, and Robert de Barton receiver of the revenues.*

Before the day of election, the king sent the earl of Gloucester to Durham, entreating the convent to nominate his kinsman Antoline de Pisana, an alien by birth, unknown to any of the monks, and said to be under canonical age. Many rich presents were offered to induce the chapter to consent, but, with much religious virtue they refused. The convent was in great confusion touching the manner in which the election should be made: They knew that the archbishop would refuse to confirm any act done by those under his excommunication; and to withdraw themselves, was an actual submission to the offensive exercise of the metropolitan's usurped jurisdiction. Of the two evils they thought it expedient in times of such emergency, to prevent the See remaining longer vacant; and consequently absented, and left the business to those of the fraternity who were not under censure; and accordingly, on the last day of March A. D. 1311,

RICHARD KELLOW,

a monk of that house was chosen. He had the king's assent at Berwick on the 11th day of April, was presented to the archbishop at Newbrough on the 19th of the same month, was examined at Hexham on the 4th day of May, all parties were cited to shew cause against his election, if any was, at Brynston on the 10th; and the next day he was confirmed at Ripon. He received restitution of the temporalities from the king's commissioner on the 20th, was consecrated at York on the 30th of the same month, and, on St Cuthbert's day in September, was solemnly enthroned at Durham. After the election was over, and before confirmation, the archbishop visited the chapter of Durham, reversed his censure, and relieved them from the penalties and injunctions imposed by bishop Bek.

The greatest harmony subsisted between bishop Kellow and the monks of his convent. He took infinite pleasure in their society, and never was without some of them as his private companion. He chose his chancellor and seneschal out of the cloister, and made one of them his confessor. In like cordiality he lived with the people of his palatinate, yet maintaining a strict propriety of conduct, not sparing any offender by reason of his dignity; which was instanced in the penance he compelled Ralph Neville to undergo for the heinous sin of incest with his daughter. The first year after his consecration, he revoked the acts of his pre-

* Rob. de Graystanes.—Ang. Sac p. 755.—Rym. Fœdera, v. iii. p. 251, &c.

decessor, by deed in writing, where they were prejudicial to the convent, and restored their ancient privileges. He gave to the prior and convent Wastrop-head, and a fishery in the river Were; and ordained, that the tithes of rabbits in Holy Island, be paid to the prior of that cell, which he confirmed by deed in writing. In the year 1313, the prior, William de Tanfield, resigned, accepting the cell of Jarrow, and the manor of Wardle, for his maintenance; the sub-prior, Galfrid de Burdon, succeeded him.

The king's attachment to Gaveston still occasioned much trouble in the state; during which intestine distractions the Scots gained many advantages, and spread their devastations over the northern counties. The favourite shewed much personal courage whilst he commanded the army in Scotland, the enemy assiduously avoiding coming to a decisive engagement. But he was altogether so obnoxious to the leaders of the prevailing faction, that the king could not save him from the sentence of the ordainers, who condemned him to perpetual banishment. He was not the only object on whom they fixed their resentment; lord Henry de Beaumont, nearly allied to the queen, and his sister, the lady Vescy, were removed from court; many of the king's grants to them were reversed, particularly one of the Castle of Bambrough, which was withdrawn from the latter,* and given to lord Percy.†

In the king's absence, Brus made many inroads, by which he greatly distressed the inhabitants of Northumberland, whence they were induced to enter into a separate truce, for which they paid 2000£. and the total reduction of Scotland was the consequence of his successful efforts in that year. Such was the unhappy state of the northern parts of England, that the king was under a necessity of sending letters to pope Clement, dated the 17th of October, to pray he might excuse the attendance of bishop Kellow at the council of Vienna, on account of the urgent occasion there was for his presence in the palatinate, to defend those territories against the Scots, whom he describes coming forth like wolves out of their dens, and committing their ravages without distinction of innocence, sex, or age, or even the holy immunities of ecclesiastical liberties.‡

The calamities of the state, the insolence of the confederate barons, and all the distresses the king laboured under, could not wean him from his favourite, who returned to him from his exile,

* Carte. ii. 320 Parl. Rolls. † Dugd. v. i. p. 273.

‡ A. D. 1311, 5th, K. Edw. II. Ad papam pro Rich. Kellow episcopo Dunelm. de absentia ejus a generali concilio excusando propter Scotos. Rymer's Fœdera, v. iii, f. 283.

in January, to receive restitution of his honours, and a reversion of his sentence, by the sovereign's arbitrary act, contrary to the determination of the parliament and his council. This induced the barons, who had chosen the earl of Lancaster for their leader, to appear openly in arms, professedly to compel the king's submission to the ordinances, and give up the minion to his fate. The queen was Gaveston's utter enemy; he had insolently affronted her, in such a manner as to induce her to make complaint to her royal father, representing, that he was the sole cause of all her misfortunes; that the king's fondness for the unworthy favourite had alienated his affections from her, and made him an entire stranger to her bed.* This contributed to encourage the barons in their purpose, and urge them to its execution. The king moved northward with his favourite, and was so expeditiously followed by a detachment of the barons' army, that the day he left Newcastle they entered that place. From Tynemouth the king passed by sea to Scarborough, and there left Gaveston, presuming the fortress impregnable, till he should raise forces to repel the insurgents; but the castle being stormed, Gaveston was made prisoner, and soon after brought to a short trial and beheaded, by Lancaster and others, the most violent of the faction, at Warwick. The sovereign was left to rage to the winds, his tears and menaces unavailing, few being so hardy as to join him in the proposed service; whilst the barons gained greater confidence from this bold but atrocious action, and now, supported by a powerful army, marched to the capital, to compel the king by force of arms, to admit and perform the articles they had ordained, for the better goverment of the state, demanding, at the same time, a general amnesty.

About the beginning of this prelate's episcopacy, a new race of marauders appeared, who were called shevalds, a banditti of robbers, who came in troops from the mountains, and committed depredations on the villages. The bishop was very diligent in suppressing them; and one John de Wedale was slain by his soldiers in Holy Island, under the command of the bishop's brother. The king had taken great offence at the bishop, for not declaring himself publicly for him against the barons, and refusing to defend the unhappy favourite: He took possession of the circumstance of John de Wedale's death, and wrote to the pope letters of grievous accusation against the bishop, petitioning for his deprivation, or at least his translation to some less powerful bishopric; and at the same time attempted to bring the bishop's brother to execution, on a charge of blood, for the death of the robbers, but failed in both.

* Rapin, p. 390.

Brus did not neglect to avail himself of the troubles which affected the northern parts of England. The bishop of Durham was obliged to be absent from his palatinate on the accusations before mentioned: Robert de Graystanes says, he was attending a parliament then held at London; but that is an error, no parliament being convened amidst the troubles and confusions of that year.* About the middle of August, the Scottish army entered England, and burnt the towns of Hexham and Corbridge; whilst a detachment moved so secretly and with such rapidity, as to surprise the inhabitants in their beds at Durham, and reduced the whole suburbs to ashes. They advanced to Hartlepool, which they sacked and plundered; and, on a composition of 2000*£*. (Graystanes says 1000 marks only) they spared the rest of the county from devastation, granting a separate truce till the Midsummer following, on condition that the Scottish army should march through the province, on any future expedition, without molestation. Northumberland and the other northern counties made a like composition.†

The following year, a truce having been obtained by the intercession of the king of France, the king submitted to his barons, and assented to the general pardon demanded; on which the parliament granted large supplies for the Scottish war. The army led forth for this campaign (the relief of Stirling Castle being the first object) is spoken of by historians as the finest body of troops ever commanded by the king of England in any service; said to have consisted of 100,000 men,‡ of which 40,000 were horsemen, 3000 completely armed "with helyt horse in plate and mayl" for the front of the battle, and 52000 archers: Yorkshire furnished 4000 foot, Northumberland 2500, the bishopric of Durham 1500.‖ They were ordered to rendezvous at Berwick, and thence marched in ten divisions of ten thousand each. The writers of those times give a magnificent account of the military parade and splendid shew of this vast armament; which, by injudicious measures, and an unpropitious fate attending a divided interest, the union between the king and his people being neither warm nor sincere, in opposition to a body of forces not exceeding 30,000, were put to the rout at the battle of Bannockburn, on Midsummer-day, A. D. 1314, and a dreadful carnage ensued.§ It is not said what was the particular fate of the palatine troops, but the bishop's conduct on this occasion reinstated him in the royal favour: He not only supplied the stipulated number of for-

* Ang. Sac. p. 756. † Ibid. ‡ Barbour. ‖ Rymer, v. iii. p. 431.
§ The reader will find a particular account of this battle in the View of Northumberland.

ces, but also presented to the king a free gift of 1000 marks with a gallant war-horse or charger of great price, which, being given to the earl of Gloucester, he was killed from off him in the engagement. Lord Clifford, who had Hartlepool in an arbitrary manner bestowed upon him on bishop Bek's disgrace, was also slain. The king in consequence of their reconciliation, promised the bishop, that if he survived, he should be restored to the territories of Barnardcastle and Hartlepool. By the preceding circumstance it appears, that the plea of the military tenants of the bishopric was not supported; their serving at the battle of Bannockburn sufficiently proving that they were not entitled to any such immunity as they claimed, but, as consistent with other military service, might be called to war in any part of the land.

Notwithstanding the melancholy consequences of the fatal defeat at Bannockburn, a new aid was granted in the parliament held at York, in the month of September following: But whilst the panic of the late victory prevailed in the minds of the English, and the languid powers of government slowly proceeded in measures to prosecute the war, the Scots pursued their advantage, and a large body of forces, led by Edward Brus and Sir James Douglas, over-ran Northumberland, and put the inhabitants of the palatinate under a heavy contribution, to save their country from a threatened desolation. The ravages of war were dreadful, but much more tremendous were the miseries of the encreasing famine; the calamities attending which, were so pressing, as to oblige the legislature to make a law for regulating the price of provisions, which, under the encreasing afflictions of another year, was obliged to be repealed. Scotland could not escape this visitation: That country, less calculated for tillage, experienced a greater want of bread, a quarter of wheat being sold for 100 shillings. To distress the inhabitants to the extreme, the English navy was employed in small squadrons on the coasts, to intercept supplies from other countries; and proclamations were issued, prohibiting all persons, under severe penalties, carrying any kind of provisions to the enemy: Such inhumanity prevailed in the barbarous politics of those times.

The king of France laboured much to effect a reconciliation between the powers at war; and Brus, shewing a willingness to accede to terms honourable to himself and his people, appointed ambassadors, and a congress was held at Durham: But king Edward obstinately refusing to acknowledge Robert Brus king of Scotland, and he, with a dignity derived from his military atchievements, persisting in his title to the crown, no terms were entered into by the delegates, and fresh hostilities commenced; the king of France, whose mediation might have softened the arrogance of Edward, having departed this life during the negociation.

Notwithstanding the calamities of the times, the Scottish army, in the spring of the year 1316, entered into England, sweeping away all kinds of provisions as they passed. The bishop of Durham and several of the northern barons were excused their attendance on parliament on this exigence. The Scots passed the western march, and penetrated into Yorkshire; from thence they entered the bishopric of Durham by the heights of Teesdale and Weredale, not daring to attack the fortress of Castle Barnard: They took their way so near to Durham, as to lay waste, plunder, and destroy the beautiful retreat of the monks at Beaurepaire, together with other places in the neighbourhood. They ravaged the country as far as Hartlepool, which place they plundered of all the effects they could find, the inhabitants having saved the most valuable by putting them on board the vessels in the harbour, which on that occasion put out to sea. The wrath of the Scots seems particularly directed against this place, which had been wrested from their sovereign; the rest of the country purchased a respite and truce.

It was not till the month of November that any forces were sent into this part of the kingdom to oppose the Scots, when the lord Henry Beaumont and Adam de Winburn came into Northumberland. The bishop of Durham was commanded to raise his troops, and join this army; at the same time being discharged from entering into any separate truce for the future,* as being esteemed a practice highly detrimental to the affairs of the state, though it had only been followed in cases of the utmost distress and emergency, to save an undefended country from desolation. For the greater security of the march, the bishop granted his Castle of Norham to be held and garrisoned by the king until the following Midsummer, the king saving to the church all possibility of prejudice from precedent in this case. The depopulation of this part of the kingdom, by the famine, is spoken of in dreadful language by many authors; and it appears, by the foregoing fact, that the people of the palatinate were so much reduced, that it was thought expedient to save them the fatigue, and the province the expence, of garrisoning and victualling this place of consequence and strength.

* A. D. 1315, 8th K. Edw. II. Ad Rich. Kellow episcopum Dunelmensem, contra trengas particulares cum Scotis capiendas. Rymer's Fœdera, v. iii. p. 540.—— Ibid. Pro Rich. Kellow episcopo Dunelmensi de indempnitate. Ibid. 541.

A. D. 1314. 7th K. Edw. II. syll. 10. De plenius inquirendo de terris quæ fuerunt episcopi Dunelm. No. 55.—1315, 8th K. Edw. II. syll. 11. De revocatione remissionis debitorum Antonii nuper episcopi Dunolm. & de literis obligatoriis & evidentiis deliberandis, p. 93.—De executoribus dicti episcopi acquietandis, 94. 95. —Syllabus, &c. Capitula actorum dat reg. Ed. II. Rymer, vol. ii,

In the following year the parliament held at Lincoln granted new supplies, in which the earl of Lancaster had the ascendency, was at the head of the council, determining all matters touching the further prosecution of this unprofitable war, and was created the king's lieutenant and general of the army, for this service:* But nothing of moment was attempted this year. The rendezvous of military servants was suspended until the month of August, when the king came down to York, and from thence was prorogued till eight days after Michaelmas. The miseries consequent to war and famine were encreased in the northern parts to the greatest extremity. The repeated incursions of the enemy, and the cruel devastations with which their progress was every where marked, together with a succession of three unfruitful years, brought the price of a quarter of wheat to forty shillings. Rapin's description of the famine is to this effect: "Mean time "the famine raged in so terrible a manner, that one can hardly "give credit to what historians say of it. They are not content "with telling us, that the most loathed animals were used for "food, but, what is much more horrible, people were forced to "hide their children with all imaginable care, to prevent their "being stolen and eaten by thieves. They assure us, that men "themselves took precautions to hinder their being murdered in "private places, knowing that there were but too many instances "that some had been served in that manner, to feed such as could "find no other subsistence. We are told likewise that the pri-"soners in the gaols devoured one another in a barbarous man-"ner; the extreme scarcity of provisions not permitting their "being allowed necessary food. The bloody flux, caused by "gross feeding, compleated the misery of the English: Such "numbers died every day, that hardly could the living suffice to "bury the dead."

It is alledged, that Lancaster held a traiterous correspondence with Brus, courting his friendship, in order that he might, by his aid, effect certain projects he had formed against the king; for as he was held in perpetual apprehension of his resentment, for the part he had taken in Gaveston's destruction, so his fears grew into a settled aversion, which he studied to gratify.

Whilst the king remained at York, the bishop of Durham departed this life, on the 9th day of October, A. D. 1316, at his manor of Middleham, he having held the See little more than five years. He rebuilt the manor-house at Stockton upon a beautiful plan, and also the house called Le Wellhall, within 16 miles of York. His death was greatly lamented by the members of the

* Rymer, v. iii. 555.

convent, with whom his memory was held in great reverence. He had frequently promised to give to the church, at his death, his library, vessels of silver, and the furniture of his chapel; but the executors of his will, which he made during the extremity of sickness, immediately before his death on the 29th of September, thought proper to have them disposed of in another manner. He ordered his remains to be interred above the steps in the chapter-house, near the prelate's seat, where his tomb was covered with a marble monument. On the day of his funeral, agreeable to his will, 100 marks were distributed to the poor. The king sent his almoner to attend the obsequies, who honoured the remains with an offering of a pall of cloth of gold; the earl of Lancaster also presented three palls, richly embroidered with his arms, whereof vestments were afterwards made, in which the ministers officiated on solemn days, when the convent wore white. The prelate's public conduct and character have already been noted: His parentage is not known. He was a man of literature, and irreproachable morals; he supported his episcopal character with great dignity, untainted with pride; he was possessed of the powers of oratory and eloquence, which were rendered more striking and persuasive by his majestic figure and graceful deportment. The description Graystanes gives of him is elegant and expressive: "Vir utique sufficienter literatus, moribus & vita dignus, cujus eloquentia species & statura digna erant imperio."

This bishop in exercise of regal jurisdiction, granted a market at sedgfield on Friday in each week, abolishing the usual assemblies there for the sale of goods on the Sabbath-day.* "He "having no pretensions to family arms, distinguished his money "from the regal, by having the upright bar of the cross upon "the reverse turned to represent a pastoral staff; they read con-"stantly EDWA. EDWAR. or EDWARD. R. ANGL. "D'N'S. HYB. with a cross patee as a prefix."† The examples the ingenious Mr Noble brings are two: "No 1. The legend "is *Civitas Dureme;* the pastoral staff is turned to the right, "which they generally are. Others of this type read *Civitas "Dunelm.* No 2. The pastoral staff in this is turned to the left,

* For this record, vide Sedgefield, vol. ii.

† Noble

Obiit Antonius episcopus 28 anno fui epis. successit Richardus de Kellow monachus Dunelm. Hic Ranulphum de nova villa pro incestu cum filia propria ad penitentiam pub. coegit.

Anno 2. episcop. hujus Richardi Dunelmum combusta est per scottos & mag. pars episcopatus combusta est & deprædata.

Postquam Richardus pulchram cameram de Stockton & manerium de Welehaul juxta Ebor. ad 16 milliaria ædificaverat. obiit anno episc. sui 5° & dim. Lel. Col. v. ii. p. 234.

Vide Dugd. Hist. Ch. Dunelm. p. 77.—His Constitut. MSS. in Bernard's Catalogue, tom. ii. p. 1, 10.—Gray's MSS.

" and the name of the city of Durham is spelt *Dunelm*. This " piece cannot belong to any other bishop, as it was coined du- " ring the reign of K. Edw. II. and there were only the bishops " Bek and Beaumont, besides the prelate we are now speaking " of, who lived in that reign; the two former of whom had always " their arms upon their money."*

* The See vacant,—Edw. II. 4° reg. 1311, granted to H. Percy the custody of the bishopric of Durham; he accounting for the issues thereof at the exchequer. Vide Collins's Peerage. v. iv. p. 36.—Robert de Nevyll. Vide Rym. v. iii. p. 257.

Richard de Kellow bishop:—Leave of election 20th Mar. 1310; elected 31st Mar. 1311; consecrated 20th May 1311; ob 9th Oc. 1316.

Officers of the See during the Time of Bishop Kellow.

Justices itinerant.—Will. de Ormesby, Hen. de Guldeford, John de Mitford, Rob. de Retford } 1311. Pat. 4. K. Edw. II. p. 2. m. 17.

High Sheriff,—Adamus de Boughes, (Bowes.) Grey's MS.

Temporal Chancellors,—Will. de Denum, cl'k m'i (e'pi) oc. 6 Dec. a° 1° 1312. Ib.
Rob. de Brompton. Ib.
John de Martin. Ib.
Hugo de Mo'alto Mon. Dunelm.———Randal's MSS.

In February 1743, Tho. Osborn, of Gray's Inn, London, published a sale catalogue of books and manuscripts in the Harleian collection, wherein was an ancient register of bishop Kellow, written on vellum, which he thus describes: " No. 20754. This is a large and valuable collection of charters, grants, letters, instruments, &c. by the kings, popes, archbishops, bishops, &c. concerning the ecclesiastical privileges, preferments, &c in the diocese of Durham, during part of the reigns of Edw. II. and III. that is from the entrance of bishop Kellow upon the death of Anthony Bek, in 1310, 4th Ed. II. to the time of bishop Kellow's death, at Middleham, in 1316, as may be seen in fo. 265, where it is written, *Explicit registrum catarum de tempore R. Kellow.* After which follows a charter of the franchise royal of the county palatine of Durham, also some pleas before the king's council in parliament, some charters relating to the barony of Gayneford and Barnardcastle, with some other like records concerning this See, or the bishops thereof, as far as fo. 283, where it is written, *Hucusque Kellow, et hic finit.* The latter part of the volume contains the register of Richard de Bury bishop of Durham, and contains the whole time that John de Wytchurch was his vicar-general, and some time beyond. It begins about the 5th year of Bury's consecration, anno 1338, and ends about the year 1342, two or three years before the said bishop's death. Between these registers are several lists bound up, containing an account of the ancient taxes of the churches in the archdeaconry of Durham, also the ordination of priests of several degrees, the times when, and places where, they were ordained by the said bishop Bury. The whole being a curious collection of antiquities, which might be very useful to illustrate the history of that See or of those bishops."

Mr Gough, in his Anecdotes of British Topography, v. i. p. 337, describes this book as follows: " In the Bodleian library, among the MSS bequeathed thereto by the late Dr Rawlinson, is the original register of Richard Kellow bishop of Duram, being a thick parchment folio, of inestimable worth. It contains a great number of charters, grants, surveys, commissions, writs, &c. issued or made by that prelate, together with several letters, writs, and commissions, sent into the bishopric by K. Edw. I. not only in the time of Richard de Kellow, but before and after, while it was in the hands of the crown, besides other records and instruments of considerable value."

☞ I have been informed, that this register was borrowed out of the cursitor's office at Durham, by an agent of lord Oxfords, to produce as evidence relating to some of his estates in Northumberland, and that an accountable receipt was given for the same, and now remaining in the office. G. A.

The See of Durham now became the object of various interests. The earl of Lancaster interceded with the monks on the the behalf of John de Kynardeslei his chaplain, and promised them, in case they elected him for their prelate, he would protect the palatinate from the Scots; an engagement he could no otherwise have fulfilled, than by means of the secret influence before intimated. The king then at York, applied for Thomas de Charlton, a civilian, and a keeper of the privy seal. The earl of Hereford wished to promote John Walwayne, a civilian; and the queen, with the most earnest solicitations, made every interest in her power for Lewis de Bellomonte, vulgarly Beaumont, who was at that time treasurer of Salisbury, a man of high birth and alliance, being descended of the royal blood of France and Sicily, the brother of Henry lord Beaumont, then in great power in England, and cousin to the queen. They were descended of Louis, son to Charles earl of Anjou, a younger son of Louis the Eighth, king of France. Louis was lord of Beaumont in France, and by Agnes de Beaumont his lady, had the two sons above mentioned, and Isabel, the wife of the last of the Vescy's of Alnwick Castle.* It is said the queen was so anxious for the success of this election, that there was scarce a monk in the convent who had not letters of application from their sovereigns. But the monks, who held themselves independent of every influence but a spiritual intimation, and seldom inclined to obey a royal dictate, lest some innovation might creep in upon their privileges, on the day of St Leone, in consequence of the king's licence, they proceeded to election, and nominated Henry de Stamford prior of Finchale. Graystanes describes him a man of spotless character, full age, an agreeable person, of a chearful countenance, and sufficiently qualified in literature. Perhaps there never was an instance of such impotence of expectation, on the like occasion. Waiting the issue of the matter then agitated in the chapter-house, there were in the church the earls of Lancaster, Hereford, and Pembroke, and many other persons of consequence. Lord Henry Beaumont, with a great retinue, together with his brother, were also there; and Graystanes says, "there were others there "who threatened to smite off his head if he was elected." The king still remaining at York, would have confirmed the choice of the convent, had it not been for his queen, who seeing his inclination, fell on her knees, saying, "my liege, I never yet asked "any thing for my kindred; if you bear me affection, grant me, "that my cousin Lewis de Bellomonte be bishop of Durham." The king overcome by this petition, refused his confirmation,

* Barnes's King Edward III.

and sent letters to the See of Rome in favour of Lewis. The bishop elect finding he could obtain no interest at court, and the chapter of York, afraid of the king's displeasure, not daring to grant their confirmation, the See being vacant by the death of William Grenfield, on a consultation of the convent, he agreed to travel to Rome; but, before his arrival, on the petition of the king and queen of England, and also of France, the pope gave the bishopric to Lewis; but, at the same time, imposed upon him so heavy a mulct, that, for the whole time of his episcopacy, he was not able to pay up the stipulated sums. By way of recompence to the bishop elect, against whom nothing could be justly objected, the pope gave him a grant of the priory of Durham, on the next vacancy; but he did not live to reap any benefit therefrom. Exhausted with the fatigue of the voyage, and the vexation of mind he had sustained, he reached the cell of Stamford, where he remained till a gradual decline brought on his dissolution. He departed this life on the day of St Gregory A. D. 1320, and was interred in the church of St Leonard, before the high altar. Graystanes says, a light was seen descending from heaven like the rays of the sun, upon his tomb. He remarks, that he was born on the day of St Leonard, was elected on the festival of that saint, and was buried in the church of St Leonard.

In the year 1317, two cardinals came over into England, Gauselinus and Lucas, to promote a reconciliation between the belligerent powers, and, if possible, to bring about terms of peace.

LEWIS BEAUMONT

had the pope's bull for his collation to the bishopric of Durham, directing that he might receive consecration from whom and where he pleased. He was confirmed at Westminister on the eleventh day of September, A. D. 1317; and thinking it would add to the magnificence of the ceremony to receive consecration from the cardinals at Durham, who were on their way to Scotland, on the day of St Cuthbert, and to be enthroned the same day, he determined to accompany them into the north, lord Henry Beaumont making one of the party. When the company were advanced to Rushy-ford*, between Woodham and Ferry-hill,

* Robert de Graystanes.—Ang. Sac. p. 750.

Henricus de Standeford prior de Finkehall electus in episcopum; sed antequam Romam veniret, contulerat Romanus episcop. Dunelm. Ludovico de Bellomonte.

Henricus cassata electione venit Stamfordam ubi in cella monachorum tandem obiit: A. D. 1317. Duo cardinales Gaucelinus sanctorum Marcellini & Petri presbyter cardinalis & Lucas de Flisco S. Mariæ in via lata diaconus cardinalis, dum cum Ludovico, ut ejus creationi interessent versus, Dunelmum procederent, inter Fery & Wottoun, per Gilbertum de Middleton & ejus complices depredæti sunt. Ludovicus

nine miles distant from Durham, on the first day of September, they were intercepted by Gilbert de Middleton, keeper of the Castle of Mitford, near Morpeth in Northumberland, and Walter de Selby, who had a little Castle near Wooler, on the very boundary of the kingdoms, who brought with them a troop of light armed horsemen. They robbed the cardinals and their attendants of all their valuables, but did not detain them, leaving them two horses to carry them to Durham. The lord Henry Beaumont and the bishop they made prisoners, and conveyed them to the Castle of Mitford, insisting on a heavy ransom for their liberty. It did not appear that these robbers were moved by principles of hatred to the bishop, or any national prejudices against the peace makers, but that Middleton was determined to commit every outrage in his power, to express his resentment to the king for arresting his cousin Adam de Swinburn, who had spoken too warmly to his sovereign touching the affairs of the marches. The north of England at that time abounded with banditti, which took their rise from such associations as the calamities of the times had induced men to form for their mutual defence; but having long subsisted by rapine, they contracted an evil habit, not easily abandoned; and at length, scorning distinctions between friend and foe, made a prey of whatever avarice or necessity tempted them to seize. Of such men Middleton's troop was said to consist.* With those desperadoes he did much mischief in Cleveland, and reduced all the fortresses in Northumberland, except Alnwick, Bambrough, and Norham.† Graystanes says, in order to raise the money exacted for the bishop's ransom, the prior of Durham was obliged to sell the habits, plate, and jewels of the church. In this instance we see a great defect in the *jura regalia* of the palatinate, as those holding tenure under the bishop were not obliged to raise a subsidy for the purpose of their sovereign pontiff's ransom. Indeed several circumstances are observable, viz. that he had not received consecration, and was not enthroned, neither had he received restitution of the temporalities from the king, which constitute seism of the fee. The convent was at a great expence touching the cardinals, by whose authority only, it should seem, they could be induced to this sacrilegious use of the holy things of the altar, in favour of a prelate forced

electus episc. Dunelmensis & Henricus frater suus ad castrum de Mitforde adducti erat hic Ludovicus de sanguine regum Franciæ & Siciliæ. Vixit in episcop. An. 16. & 8 inens.——Lel. Col. v. ii. p. 334.

* For a description of Mitford Castle, and the fate of Middleton, vide View of Northumberland.

† Lel. Col. i. p. 558.

on them by the See of Rome. It appears that lord Henry Beaumont and the bishop were informed by a messenger from the prior, that Middleton's marauding party was upon the road; but they were induced to despise the danger by a conceit that the king of Scotland, or those in his interest, dared not attempt any thing against them, armed as they were with the powers of the See of Rome, and that the prior meant to amuse them, as he might wish to impede Lewis's consecration.

The bishop being liberated on payment of the sum stipulated, he was consecrated at Westminister on the 26th day of March 1318: on the 4th of May he received restitution of the temporalities from the king, and made profession to the archbishop of York, at Thorp, on the 19th day of June following.

The cardinals legates were not received in Scotlond, as they did not bring powers with them acknowledging Robert Brus king; and, in consequence, their authority was treated with indignity and contempt. Their envoy or messenger was waylaid, robbed of the pope's bull and other instruments he had in charge, and sent naked to Berwick. This flagrant contempt of the pope's interposition to restore peace, doth not appear to be succeeded by any material acts of hostility, in that year from either state: The opposition with which Lancaster and his confederates distressed the king, seem to fill up that period.

In the succeeding year, A. D. 1318, Berwick fell into the hands of the Scots by treachery, and Brus took up his residence in the castle. The possession of this strong place enabled his forces to reduce many of the fortresses of Northumberland; and, in destructive parties, they roved over the more southern parts, sacking and burning Northallerton, Boroughbridge, Ripon, Scarborough, and Skipton in Craven. How our palatinate fared, surrounded with those scenes of destruction, no historian has related: It was spared, and the exemption must have been procured at a considerable expence. The legates, in consequence of the conduct of the Scots, pronounced the excommunication and interdict with which they were armed, against Brus and all his adherents; but this fulmination did not retard their measures; so that the king of England was obliged to summon his military tenants to attend him at York, and proceed in force against Scotland. A coalition of parties was effected by the legates, and Lancaster once more gained the ascendancy in state affairs. The military operations were retarded by several accidents, so that it was thought expedient to disband the army which was assembled, and call into service all men north of Trent, from the age of 16 to 60, both horse and foot, to be regularly arrayed, and ready to

take the field, under their respective leaders, in three days notice.* This regulation kept the borders quiet during the winter, and early in the summer, A. D. 1319, the king convened his parliament, when supplies were granted for this service; but it was September before the army was assembled near Berwick. Many of the chief nobility appeared in this armament, but we hear nothing of the bishop of Durham. A regular siege was formed to reduce Berwick, and many military engines then in use, and stratagems, were employed for that purpose. But, in the height of the attack, Lancaster withdrew his troops. At this instant an army from Scotland composed of 10,000 veteran troops, entered England by the western march, and were near affecting their

* A. D. 1316. 10th K. Edw. II. Ad papam pro Ludovico de Bellomonte in episcopum Dunelmensum preficiendo.—Rymer's Fœdera, v. iii. p. 581.
1317. Pro Ludovico de Bellomonte in episcopum Dunelmensem promovendo. —Ibid. p. 603.
Bulla provisione pro Ludovico de Bellomonte in episcopum Dunelm.—Ibid. p. 605.
Super provisione Ludovici de Bellomonte in episcopum Dunelm.——Ibid. p. 610.
Ad cardinalis super dicta provisione.——Ibid.
Pro Ludovico de Bellomonte se regi quod temporalitatem episcopus Dunelmensis, totaliter supponente.——Ibid. p. 636.
A. D. 1317. 11th K. Edw. II. Pro Lewis Bellomonte electi Dunelmensi per robbatores a consecrationis munere impedito.—Rymer's Fœdera, v. iii. p. 670.
A. D. 1319. 12 K. Edw. II. De inhibitione tornementorum Lewis Bellomonte infra episcopat. Dunelm.—Ibid. p. 758.
Pro episcopo Dunelm. de excusando tarditatem in solutionibus. Ad cardinalium cætum. Ad regem Sicilie de interponendo pro dicto episcopo. Ib. p. 765.
Pro rigando de Asserio nuncio pæpe super debitis Antonii nuper episcopi Dunelmensis.—Ibid. p. 779.
——1321. 14 K. Edw. II. Pro Lewis Bellomonte episcopo Dunelmensi super exoneratione debitorum.—Ibid. p. 872.
Ad L. de Flisco cardinalem super dicta exoneratione.—Ibid. p. 873.
Ad regem Sicilie super debitis prædictis.—Ibid.
——1322. 15 K. Edw. II. Manerium de Hert & villam de Hertlepole datis Comiti Richmundie.——Ibid. p. 941.
16 K. Edw. II. De providendo immunitati ecclesiæ et libertatis Dunelm. Lewis Beaumont.—Ib. p. 964.
——1323. Super negligentia Lewis Beaumont episcopi Dunelmensis increpitoria.—Ibid, p. 994.
——1324. 17 K. Edw. II. De hominibus ad arma in episcopato Dunelm.——Ibid. v. iv. p. 114.
——1318. 11 K. Edw. II. Syll. 12. De custodia Castri Barnardi de non intromittendo. No. 14.
Ad papam pro Johanne de Egglescliff. 17.
Ad papam pro Antonio Beck 18.
——1327. I. Edw. III.—17. De juribus regalibus episcopi Dunelm. 7.
De non intromittendo in libertates regales epi Dunolmen. 12.
——1336. 10. K. Ed. III.—23. Pro. e'po Dunolm. de expensis suis solvendis. 146.
Syllabus, &c. Capitula actorum Dat. regnante Edw. II. & Edw. III. ——Rym, v. iii.

purpose of surprising the queen at York, which obliged the king to raise the siege.

Soon after those events, a truce was agreed upon, and conservators were appointed for the northern counties, of whom four were named for Northumberland, viz. William Ridel, Gilbert de Burwedon, John de Penreth, and Roger de Horsely, whose charge, according to the tenor of their commission, was "to keep "the truce, to hear all complaints of injuries and inquire thereof "by unsuspected men of the respective counties, and give judgment "according to the articles of truce." It is observable, that, in this commission, we have the first correct description of the duty of a conservator of truce on the borders of the kingdoms that is to be met with on record. Commissioners were in a short time afterwards, nominated by both powers to treat of peace, and a congress was held in consequence thereof; but the extravagant demands of each nation rendered every effort of the commissioners abortive; and Lancaster's rebellion then breaking out, and his party professedly adhering to the interest of Brus, threw the state into new and most dangerous distresses. By the assiduity and fortitude of Hartcla, who was then governor of Carlisle, and commanded the forces of that district, Lancaster was valiantly opposed, and his progress stopped; and soon after ensued the battle of Boroughbridge, where Hereford was slain, and Lancaster taken prisoner. His decapitation at Pontefract, and the universal dismay which succeeded the defeat, totally broke the faction.

Those prosperous circumstances induced the king to prepare for an expedition against Scotland, for which supplies were granted and the king's military tenants were ordered to assemble at Newcastle on the 24th day of July, A. D. 1322. The king commanded the bishop of Durham to arm and array all the people of his palatinate, able to bear arms, between the ages of 16 and 60, as well for horse service as foot, to be ready to attend his summons and march against the Scots, out of the liberties of this province; for which he granted an indemnity, that no prejudice should arise by the precedent to his successors, and the rights of the church.* The Scots, during the king's delay, made an in-

* A. D. 1322. 16 K. Edw. II. Rex, &c. sciatis quod cum pluries mandaverimus Ven. Patr. L. Dun. e'po quod ipse omnes & singulos homines tam Equites quam Pedites inter Ætates sexdecim & sexaginta, &c. contra Scotos, &c. extra eosd. e'patu' & lib'tatem mitteret.

Idem que e'pus hujusmodi homines, &c. miserit.

Nos volentes ipsius epi, ecclie suæ Dunolm. ac lib'tatis suæ prædictæ immunitati providere in hac parte, concestimus eidem e'po pro nobis et hæ'dibus nostris quod missio & adventus hominum prædictorum in obsequium nostrum præd. extra e'patu' & lib'tatem prædictos, sibi aut successoribus suis e'pis loci prædicti vel eccl'iæ Dunolm. aut lib'tati prædictæ, non cedant in præjudicium nec trahantur in consequentiam in futurum. In cujus, &c. Teste rege apud Eboru' vicesimo secundo die Julii Per ipsum regem.—Rymer's Fœdera, v. iii. p. 964.

road into the county of Durham, in the month of February, and laid all the eastern part in ashes;* and soon afterwards, with a larger force, entered by the western march, and penetrated as far as Preston in Lancashire. After this the English forces advanced to Edinburgh, from whence they were driven back by famine; in their return wreaking their vengeance on the religious houses, and committing acts of sacrilege more barbarous than those of the savage nations in the eight century; so little were the minds of men, in the course of five centuries, cultivated in their habitual ferocity, under all the benefits of revealed religion. Every effort Edward made was unpropitious: The hated administration of his favourites, the De Spencers, clogged the wheels of government with dissatisfaction, and consequently with reluctant measures and services. They had an ascendancy over the sovereign equal to that of Gaveston, and perhaps from the same species of influence. The queen entertained a mortal hatred to them. The Scots followed the heels of the king's retreating army, and a choice detachment, by an exertion of military ardour, had nearly surprised him at the abbey of Byland, in the north riding of Yorkshire. His flight was so precipitate, and the exigence so pressing, that he left his plate, equipage, money, privy seal, and other regalia, a prey to the enemy, he escaping by Burlington to York. The county of Northumberland was compelled, by accumulated distresses, to make a seperate truce, which was obtained at a vast expence. Whether Durham was joined therein is uncertain, but most probably it was. A general truce soon after took place, and conservators were commissioned as before, Ralph de Nevil, and Roger de Horsley, for Northumberland. At a council held at Bishop-thorp, near York, for settling terms of conciliation, Dugdale says,† the lord Henry Beaumont, though a baron of the realm, and sworn both of the great and privy council, as the record expresseth, being required to give his advice concerning this truce, irreverently answered, *that he would give no advice therein;* whereat the king, in great anger, commanded him to depart the council; on which he went out, saying, *he had rather begone than stay;* which expression gave such disgust, that, by

* Rob. de Graystanes.—Ang. Sac. p. 759.

Prærogativa regis 17 Edw. II. stat. 1. A. D. 1324.

Our lord the king shall have the ward of all the lands of such as hold of him in chief by the knight's service, whereof the tenants were seised in their demesne as of fee at the day of their death (of whomsoever they hold else by like service, so that they held of ancient time any land of the crown) until the heir come to his lawful age, except the fees of the archbishop of Canterbury, the bishop of Durham between Tyne ahd Tees, fees of earls and barons in the marches, where the king's writ does not lie, and whereof the said archbishops, bishops, earls and barons, ought to have such wards, though they held of the king in some other place.

† Dugdale, v. ii. p. 50.

consent of all the lords present, he was committed to prison; whereupon Hen. de Percy, and Ra. de Neville, became sureties for his appearance upon summons; and, soon afterwards, the king was reconciled to him. In the ratification of articles concluded in the truce, Richard de Emelden was joined with the two preceding commissioners, conservators.

The bishop of Durham's negligence and lukewarmness in the defence of his palatinate, occasioned the king, whilst the truce was negociating, as a politic preparation against accidents, which might arise to frustrate its being carried into force, to issue his special writ for arming and arraying the people of the palatinate,* in which he reflects upon the prelate's character for the boastings thrown out, when his friends applied for the bishopric, engaging, *that the same should be defended, as if it were by bulwarks of stone;* exclaiming against the manner in which the vain-glorious proposals were neglected to be carried into execution; the damages done by the enemy in his time not being to be paralleled in history.

In the following year a war broke out between England and France, when the queen passed over to the continent to negociate a reconciliation; the result of which was the king's consigning, to his son Edward, the continental dominions, and impowering him to do the homage required by the king of France for the same. This fatal cession wrought the destruction of the unhappy monarch: The prince was made independent of his father, and the queen gained power to declare openly her detestation of the De Spencers, and hatred to the king for his adherence to them, vowing she would never

* A. D. 1325. 16 K. Edw. II. Rex ven. in xto patri L. &c. e'po Dunelm. sal. Recolimus q'd vivente, bonæ memoriæ, Ricardo, prædecessore v'ro, eid. p' dilectu' consanguineu' & fidelem n'ru' H. de Bellomonte fratrem v'ru, & alios amicos & parentes v'ros improperando, sæpius dicebatur, q'd p' ipsius prædecessoris v'ri negligentiam & tepiditatem p' Scotos inimicos & rebelles n'ros partes e'patus v'ri multipliciter destructæ erant; & q'd si regimini eccl'iæ Dunolm. vos v'l alius de nobili genere procedens præfecti essetis, *velut Murus Lapideus*, tuta defensio partibus illis contra inimicoru' n'ror aggressus per v'ri vel alterius sic nobilis præfidentiam & amicoru' v'roru' & parentu' nobilium potentiam pareretur.

Set, ecce! Jam actualiter cognovimus quo'd. p' v'ri defectum, negligentiam, & tepiditatem, in partibus e'patus v'ri & aliis locis vicinis, *majora Dampna*, quam t'pe prædecessoris v'ri contigerunt, & adhuc indies vobis v'l parentibus & amicis v'ris, ad hoc, juxta promissiones hu'moi, consilu' v'l auxilium non præstantibus evenire formidantur.

Et quia præmissa (quæ anxie referimus) ulterius erga vos dissimulare non valemus vobis mandamus, in fide, &c. auxilio amicorum & parentu' v'roru' equis & armis quanto potentius poteritis, vos paretis, & ad partes e'patus v'ri ho'ibus ad arma sic potentur & decenter muniti sine dilatione aliqua vos transferatis, quod in defentione e'patus v'ri, et partium adjacentium contra aggressus inimicorum, auxilium competens facere valeatis.

Et quid inde duxeritis faciendu' nobis p' latorem præsentium rescribatis, hoc breve nobis remittentes.

Teste rege apud Pontemfractum 10 die Februarii. Per ipsum regem.—Rymer, v. iii. p. 994.

return to England in peace, without they were removed from court, and their influence totally extinguished. This required force: A descent on the English coast was meditated: The malcontents were numerous in England, and the old adherents of the Lancastrian faction were ripe for a revolt. The prince, under the influence of his mother, was contracted to Philippa, daughter of the earl of Hainault, and, from repeated rehearsals of her wrongs, and tainted with her thirst of revenge, he was induced to shake off his allegiance to his father, though then only 15 years of age. In September 1325, the queen, with a powerful armament, made a descent on the coast of Suffolk; and the king, as if become the contempt of mankind, and the mark of providential vengeance, saw himself immediately deserted by almost all his nobles, and even by his own brothers; the earls of Surrey and Arundel, the only two of the old nobility, remaining faithful to him. The De Spencers were seized, and executed as traitors; and the distracted sovereign, after lurking about some short time in the obscure part of Wales, was made prisoner compelled to resign his diadem, and, in the end, suffered an execrable death,* by the hands of assassins: A horrid tragedy, ascribed to the queen, and Mortimer her favourite. Thus ended the days of that weak prince, whose irresolution in matters of consequence, weak and indeterminate judgment, and obstinate adherence to favourites, who gratified his weakest and most disgraceful propensities, involved the state in the most dangerous calamities, and robbed her of those honours his father had purchased. He ascended the throne, surrounded with prosperity and glory, and left it immersed in misfortunes and disgrace. The persecution and indignities this unfortunate monarch suffered in the close of royalty, and his cruel death, reflect great dishonour on the national character, and stamp the æra with infamy.

Edward having been compelled (whilst a close prisoner) to abdicate the throne, on the 13th of January A. D. 1327, prince Edward was proclaimed, and, on the first day of the following month, crowned king of England; his father not making his exit till the month of September in that year.

The Scots again appeared in arms, and summons were issued for the military tenants to assemble their whole service at Newcastle in the middle of May. A naval force was ordered to lie at the mouth of Tees, near Skinburness; and the king particularly requested that the cities and great towns would furnish horsemen mounted on cavalry of 30 or 40 shillings price. Nego-

* Walsingham's Hist. England, p. 127.—De la More's Life Edward II.

ciations for a peace proved abortive: The king, with the royal family came down to York: The Scots made an inroad about the middle of June, and were repelled. But this was a trivial business to what immediately succeeded; for the earl of Murray and Lord Douglas, at the head of a large army, in which we are told were 24,000 horsemen, entered Cumberland in the month of July, and harrassed the western parts of Northumberland and Durham, by the mountainous passes, which, from repeated incursions they were well acquainted with. On the 15th day of July the king was at Durham, with an army of 100,000 men, and used every effort to meet with the enemy, but in vain. This immense multitude, encumbered with heavy baggage, could not pursue the Scots through the mountains and wastes which they traversed, and where every defile was known to them. After suffering innumerable hardships, without gaining a sight of the foe, a proclamation was issued offering a reward of knighthood, and one hundred pounds in lands by the year, to any person who would conduct the king to a sight of his enemies, in a place where it was possible to give them battle. This was gained by Thomas de Rokeby, who discovered the enemy in Stanhope Park. The Scots left the field without engaging, and made a precipitate retreat; the men in the rear threw away their arms for more expeditious running, of whom many were cut off by a party of light horse in the pursuit. The English army soon after was disbanded; but the Scots continued their military operations on the borders; took Norham, and made an unsuccessful effort upon Alnwick. Commissioners were appointed to treat of peace; during which negociation the king's nuptials were celebrated at York. By a royal mandate, directed to the bishop of Durham, the magistrates of Newcastle, and the sheriffs of Northumberland and Yorkshire, they were directed to give safe conduct and an honourable reception to the delegates of Scotland, said to be 100 in number, in their progress to York, on the treaty. The English parliament, assembled there in the month of March 1328, opened the way to a reconciliation, by consenting to a preliminary deed of renunciation of the king's claim of sovereignty over Scotland, and a full recognition of Brus's title to the crown. In return the states of Scotland engaged to pay into the king of England's exchequer 20,000£. a-year for three years, to indemnify England against the expences of the war: And the articles of peace were ratified in due form.

In the following year, 1329, the king of Scotland died, leaving David his son and successor, an infant, little more than six years of age. The peace was strictly maintained whilst the influence of the queen-dowager of England prevailed: But young

Edward, possessed of great vivacity and spirit, together with strong mental powers, and a judgment singular for his years, soon grew impatient under the insolent despotism and atrocious conduct of Mortimer, and entertained thoughts of removing him. Sir William Montague, to whom the king communicated his wishes, warmly encouraged the idea; and a plan was secretly projected for seizing the obnoxious favourite in the Castle of Nottingham, where he resided totally unguarded, and without apprehension of danger. He was conveyed to London, impeached before parliament, and hanged at Tyburn. Lord Henry Beaumont, who had opposed the favourite in his flagrant acts of oppression, and was obliged to fly for safety into France, returned on this occasion. Soon after lord Henry's return, a complaint was made by the bishop of Durham, which he warmly supported, touching the village of Upsetlington, which was an ancient part of the territories of his See, and had been seized by the earl of March, in violation of the treaty of peace. It doth not appear that he received the desired redress; but circumstances in this case, as in several others, threatened a breach of the harmony which subsisted between the two states, and were occasionally seized on by those who wished to disturb it. Lord Henry Beaumont was led by other motives than the redress of the See of Durham. Cummin fell by Brus's hand at Dumfries: He was grandfather of the earl of Athol: His large possessions in Scotland were held by the crown. Lord Henry Beaumont, by a series of fortunate incidents, had risen to great power; and he had made connections by which he entertained a sense of interests very foreign to his brother's palatinate. By marriage with one of the co-heiresses of the earl of Buchan, he succeeded to a share of the large possessions of that family, the earl's mother being one of the co-heiresses of the earl of Winchester. The earl of Athol married lord Henry's daughter, and had very opulent estates, and connections of the first consequence, in England. A secret desire to revenge the blood of Cummin, and recover his estates, apparently influenced their future conduct. A full relation of the enterprize which those partisans projected, and put in execution, would be tedious and impertient; it must suffice to say, the king of England publicly declared his disapprobation of hostile measures; and when in open violation of the peace the confederates made a descent on Scotland, and in a series of victories gained an amazing progress in the country, he caused the estates of lord Henry Beaumont to be confiscated. But their successes, in a little time, assumed a countenance of the utmost importance; and the king, by the advice of his parliament, levied an army to

move to the borders, there to act as occasion might call, for which the necessary supplies were granted. Whatever might be the king's private sentiments in the beginning of this affair, is hard to develope; but certain it is his ambition was now roused; the spirit of his grandsire seized his bosom; he shook off the principles of public faith and rectitude, for the promised glories of conquest, and a bloody war succeeded. Edward Baliol, who joined the invaders, and whose right to the crown they made their pretext for acts of hostility, to cover their baser principles, now assumed the title of king of Scotland, and entered into certain conventions with king Edward. Soon afterwards a parliament was assembled at York, where envoys appeared both from David Brus and Edward Baliol, when the conduct of the crown of England towards the contending parties, and the states of Scotland, were deliberated upon, but no absolute resolution was formed. In the mean time it was thought expedient to treat with the guardians and nobles of David's party; to whom it was proposed that he should do homage for his crown, and restore Berwick. Whether the court of Brus discovered the duplicity which darkens this part of the history, is uncertain; but the propositions were rejected with disdain. Perhaps much of the spirit which the Scots displayed on this occasion, was owing to the misfortune which befel Baliol, who, being surprised in his quarters, escaped with great hazard of life into England, (half naked, on a horse without a saddle,) over Solway frith. King Edward's soul had kindled with a flame not to be extinguished: His ambition was wakened with flattering hopes, and it was not suited to the habit of his mind to relinquish any favourite determination for one unpropitious circumstance. The year 1333 was ushered in by hostilities committed reciprocally by both nations, supported by the determination of each state. Edward, to palliate his conduct, claimed to have received the aggression from the Scots. The English army was commanded to assemble at Newcastle on Trinity Sunday, and the military operations were opened by the siege of Berwick. The king of England, animated with all the ardour of an heroic mind, the fire of youth, and high ambition for the glory of arms, hastened to the scene of action. He was at Durham on the 1st of April, and there received Murray the guardian of Scotland, who was taken at Roxburg, but would not acknowledge himself prisoner to any but the king. The siege was tedious, and wearied the patience of king Edward so much, that whilst the approaches proceeded in a regular mode, with a detachment of the army he stormed and took the castle of Edinburgh, and penetrated Scotland as far as Scone, Dundee, and the neighbourhood of Dumbarton; and then returned before Berwick, which

still held out. The Scots levied a powerful army to relieve this important place, and the famous victory of Hallidon-hill* ensued, on the 18th day of July 1333; after which Berwick was immediately surrendered to Edward's triumphant army. And Baliol, with a body of choice troops, flushed with success, entered and reduced Scotland, and obliged David Brus to save himself by a hasty flight to France.

But to return to the affairs of this palatinate, and attend to the conclusion of bishop Beaumont's episcopacy. His interest was powerful; but, throughout the whole of his life, he appears to be in himself a very insignificant character, both in church and state. Soon after the accession of Edward the Third, he prosecuted his claim to the forfeited lands which Edward I. had severed from the palatinate; in which suit, the parliament, held in the first year of the reign, adjudged, That the bishop of Durham, within the liberties of his palatinate, was intitled to the forfeitures of war, in like manner as the king is intitled out of those liberties. The bishop proceeded by petition in the parliament at Westminister, before the king and council; setting forth that he and his predecessors, time beyond memory, had *jura regalia inter aquas de Tine et Teese, et in Norhamshire et Bedlingtonshire in com. Northumbrie, et eadem jura regalia per se et ministros suos proprios ibidem exercuerunt et de omnibus et singulis infra aquas predict. et in pred. locis emergen. per se et ministros suos justiciam fecerint:* Traversing that the king or his ministers intermeddle there but in default of doing justice: And setting forth that he ought to have forfeitures of war there; and that his predecessor, bishop Bek, having caused Barnard Castle, upon the forfeiture of John de Baliol, and the manor of Hert and Hertness, upon the forfeiture of Robert Brus, to be seized he held them peaceably for a time, until Edward I. caused him to be removed *sine judicio ipso non vocato*, pretending, that forfeitures there, as well as elsewhere, belonged to him; notwithstanding the charter made by Henry III. A° 51. (1267) about Greatham, and therein recited; and setting forth, that he could not have justice done him in several parliaments of Edward II. Whereupon the answers to divers of the bishop's petitions in that parliament, which were found, with other memorandums touching the matter, in the king's treasury and chancery, being examined, and nothing found therein to exclude the bishop from having relief, the following judgment was given: *Concordatum est per nos et totum concilium nostrum in dicto parliamento nostro quod predictus episcopus habeat libertatem suam de hujusmodi forisfacturis juxta tenorem et effectum carte præ-*

* For a full account of this battle and siege, vide View of Northumberland.

dict. Proavi nostri. Intentionis tamen nostræ et concilii n'ri non existit, quod aliqui qui terras seu ten. de hujusmodi forisfacturis ex concessionni progenitor. nostrorum jam tenent de eisdem terris et ten. absque responsione amoveantur. The king's writ then issued, dated 15th February, 1 K. Edw. III. 1328, reciting the petition and judgment directed to Robert de Insula, then keeper of the forfeited lands and tenements, commanding him, *Quod de terris et tenementis infra e'patus libertatem prædict. et in prædictis locis de Norhamshire et Bedlingtonshire in manu nostra et in custodia vestra per forisfacturam guerre existen. manum nostram amoventes vos de eisdem ulterius non intromittatis.* The like writ was directed to *Willo de Denn firmario quorundam terr. et ten. regi forisfact. in Bedlyngtonshire et Simonai de Grymesby tunc escaetori ultra Trentam.* A writ dated the 24th Feb. was directed, *Constabular. Castri de Castro Barnardi*, reciting the above judgment, and commanding him, *quod de aliquibus jurisdictionem regalem infra episcopatum prædictum emergen. de cetero nullatenus intromittat. nec. officium ibidem in aliquo exerceat.* And a similar writ was directed, *Ballivo de Hert et Hertness.*

Complete justice not having been derived from the foregoing proceedings, the bishop exhibited another petition to the king and council in parliament, setting forth that forfeitures of war had been adjudged to him in former parliaments, as the right of his church, and of his predecessors; and that thereupon writs had been awarded *custodibus terrarum forisfact. infra regalem libertatem ipsius e'pi, quod manum regium inde amoveant :* And stating, that Barnard Castle, the manor of Gainford, and other the late earl of Warwick's lands, and Hert and Hertness, which were Roger de Clifford's, and forfeited by John de Baliol and Robert de Brus, were detained in the king's hands, as if, by reason of that forfeiture, the king might use his prerogative within the liberty of Durham as elsewhere within his kingdom, *que quidem prerogativa ad ipsum episcopum infra libertatem prædictam pertinet sicut dicet ;* and praying, that the king would command the keepers of the said lands, *quod manum regiam de terris illis sicut de aliis amoveant*, and suffer him to use and enjoy his said liberty, *ubi breve regis de jure currere non debet,** *nec rex ibidem terram seisire debet.* It being adjudged by the king and council then in parliament, that the bishop should have his *royal liberty* as was granted in the 51st year of Henry III. (1267,) it was agreed, *quod rex amoveat manum*, from what he held by reason of his royal jurisdiction, and should also withdraw his ministers

* The true meaning of *brevi domini regis non currere* is, that the court of king's bench cannot write directly to the sheriff, as they do in other cases. Vide Chapman and Maddison, pasc. 11 Geo. II. K. B. 2. Strange, 1089.

administering in the king's stead there. A writ was granted, *de consilio*, upon the petition dated at Durham the 15th day of July 1327, and directed to Roger Mortimer governor of Barnard Castle, stating the last petition, and that the king was willing the agreement thereupon should be performed; commands, that the royal authority, from whatsoever was held by virtue of royal jurisdiction, and in the custody of the said Roger Mortimer, or any other officers of the crown, serving within the liberties of the palatinate, should be withdrawn.*

These proceedings do not particularly specify Keverston, which was fortified by Seaton, and granted to Hethpole. It appears, that after the death of Clifford, Hert and Hertness, or Hartlepool, in the 15th year of Edward II. (1322,) were granted by the king to the earl of Richmond. But, be that as it may, by the foregoing determinations and royal mandates, the whole were

* Rymer's Fœdera, vol. iv. p. 297. claus. 1 Edw. III. p. 2 m. 20. A. D. 1327.

Rex dilecto et fideli suo Rogero de Mortuo-Mari custodi castri Bernardi, ac aliorum terrarum et tenementorum quæ fuerunt Guidonis de Bello-Campo quondam comitis Warrwici defuncti, qui de domino Ed. nuper rege Angliæ patre nostro tenuit in capite infra libertatem episcopatus Dunolmensis vel ejus locum tenenti, salutem. Petitio venerabilis patris, Lodowici (Beaumont) episcopi dicti loci, coram nobis et concilio nostro in ultimo parliamento nostro apud Westmonasterium tento, exhibita, continebat ut, Cum in parliamento prædicto forisfacturæ guerreæ eidem episcopo ut jus ecclesiæ suæ prædictæ et prædecessori suo in aliis parliamentis fuissent adjudicatæ; et super hoc, brevia nostra facta fuerint custodibus terrarum forisfactarum infra regalem libertatem ipsius episcopi, quod manum regiam inde ammoveant; ac castrum prædictum, manerium de Geyneford et aliæ terræ quæ fuerunt prædicti comitis, et Hert et Hertness quæ fuerint Rogeri de Clifford; Quæ quidem castrum, maneria, terræ et tenementa, alias forisfacta fuerunt per forisfacturam Johannis de Balliolo et Roberti de Brus, Et infra libertatem prædictam existunt, in manu nostra detineantur, ac si nos ratione forisfacturæ prædictæ, prærogativa nostra, infra libertatem prædictam, uti possemus sicut alibi infra regnum nostrum; Quæ quidem prærogativa ad ipsum episcopum infra libertatem prædictam pertinet, sicut dicit; Super quo nobis supplicavit, Ut præcipere velimus custodibus terrarum prædictarum per brevia nostra, quod manum regiam de terris illis sicut de aliis ammoveant, ac prædictum episcopum libertate sua prædicta *(ubi breve nostrum de Jure currere non debet, nec nos ibidem Terram seisire debemus)* uti et gaudere permittant. Nos, Pro eo quod per nos et concilium nostrum aliis, in eodem parliamento consideratum fuit, quod idem episcopus *habeat libertatem suam regalem*, prout aliis concessum fuit tempore domini *Hen.* quondam regis Angliæ proavi nostri; et etiam concordatum fuit ibidem, quod nos amoveamus manum a nostram de omni eo quod habemus in manu nostra ratione jurisdictionis regalis, et etiam ministros nostros in regali officio ministrantes; Volentes quod ea, quæ sic concordata sunt effectui mancipentur, vobis mandamus, quod manum nostram de omni eo quod habemus in manu nostra ratione jurisdictionis regales et quæ in custodia vestra existunt, nec non ministros nostros si qui fuerunt in regali officio, infra libertatem prædictam ministrantes, ammoveatis, secundum formam considerationis et concordiæ prædictarum; vos inde contra easdem considerationem et concordiam, nullatenus intromittentes. Intentionis tamen nostræ et concilii nostri non existit, quod aliqui qui terras seu tenementa de forisfacturis ex concessione progenitorum nostrorum tenent inde virtute considerationis prædictæ absque responsione, ammoveantur, Teste rege apud Dunolm. *dequinto* Die *Julii* 1327——*Per Petitionem de Concilio.*

now restored to the See. Graystanes says, the suit was prosecuted against the earl of Warwick and lord Clifford; which is an error the records perfectly refute.*

By the statute *De Prerogativa Regis*, 17th Edward II. (1324,) touching wardships, an exception is made of the fee of the bishopric of Durham between Tyne and Tees.

Bishop Beaumont also had a dispute with the archbishop of York concerning the right of visitation in the jurisdiction of Allertonshire; and whenever the metropolitan came thither to visit, the bishop of Durham opposed him with an armed force. After much litigation, a compromise and agreement took place in the year 1330, and the archbishop appropriated the church of Leke for the maintenance of the bishop's table; with the reserve of an annual pension to himself, and another to the chapter of York.†

* A. D. 1327. 1 K. Edw. III. Super libertate regali Lewis Beaumont Dunelmensis e'pi——Rymer's Fœdera, v. 1v. p. 297.
——— Pro Thoma de Rokesby.——Ibid. p. 312. Abridgment, v. i. p. 199. his speech to the king.
—— 1328. — De honorifice recipiendo centum personas de Scotie e'pi Dunelm. ——Ib. p. 334.
—— 1329. 3 K. Edw. III. Super dissentionibus inter archiepiscopum eborum et episcopum Dunelmensem.——Ibid. p. 405.
——— Super dissentionibus prætactis, de executione brevis de posse comitatus assumendo supersedenda.——Ibid.
——— Pro episcopo Dunelmensi super dissentionibus anti dictis.—Ibid. p. 406
—— 1330. 4 K. Edw. III. D'arraiatione contra rebelles ad invadendum regnum se parentes.—Ibid. p. 448.

For futher evidence *vide* Monuments, p. 24.—Dudg. p. 78.—His Constit. MSS. fol. in Bibli Dunelm.—Tyrrel. Hist. p. 296.—*Grey's MSS.*

† A. D. 1328. Orta est dissentio inter archiepiscopum ebor. & episcopum Dunelm. super jurisdictione de Allertonschire. Nitebatur enim archiepiscopus locum illum visitare; sed restitit ei episcopus non solum in ecclesiis jurisdictionis suæ, sed etiam in ecclesiæ de Allerton & cæteris ecclesiis jurisdictionis prioris & capituli; & contra copositionem initiam inter archiepiscopum & priorem & capitulam. Dixit enim episcopus, quod prior & capitulam non potuerint sine eo componere; & ideo intebatur ipsam compositionem infringere, & priorem & capitulam inducere, ut se partem fecerent cum eo contra' archiepiscopum. At ipsi responderunt, quod contra factum proprium venire non potuerint, Infestabant ergo se mutuo. Archie'pus visitationem suam petiit. Episcopus vero semper occurrebat apud Allerton cum multitudine armatorum de episcopatu, Northumbriæ & Tyndal; qui libenter ad eum veniebant, & archiepiscopum interficere parati erant, si venisset. Sed ipse semper ab eis declinabat. Ipsis vero recedentibus, iterum suam visitationem petebat, & episcopus iterum armatos vocabat, & sic archiepiscopus irritabat, episcopumque in congregatione armatorum non mediocriter 'effundebat. Archiepiscopus quamvis numerosus nil effundebat; fulminabat etiam sententiam excommunicationis & suspensionis in episcopum & adhærentes sibi. Episcopus vero appellabat, & impetrabat, & coram delagatis litigabat primo apud Lincolniam, secundo apud Karleolum, tertio Lichefeldiæ. Sed episcopus semper amplius effundebat. Allegabat episcopus præscriptionem, &c. Tandem post multas fatigationes & expensas, amicabiliter composuerunt; sc. archiepiscopus ecclesiam de Lek appropriavit mensæ episcopi, reservata sibi pensione annua, et capitulo Eboracensi alia. & sic cessavit tempestas illa.———Rob. de Graystanes.—Wharton's Angl. Sac. p. 760.

He proceeded at law against J. Darcy for the church of Simondburn, but did not live to obtain a decision.

II. Compositio inter Will'm de Melton Archiep. Eboru' & Ludovicu' Dunelm. E'pum pro Jurisdictione Eccl. Dun. A. D. 1330.

In Dei nomine, amen. Hæc indentura testatur, quod orta dudum dissensionis materia super jurisdictione & visitatione exercenda per archiepiscopum eborum in ecclesiis & locis de Alvertonschire eborum dioces. ac prebendis, vicariis, hospitalibus, monasteriis capellis, parochiis, clero & populo eorundem, inter nos Willielmum archiepiscopum permissione divina ebor. Angliæ primatem exparte una, & nos Ludovicum permissione ejusde' Dunolm. Episcopum jurisdictionem & visitationem in eccl'iis, locis & personis prædictis exercentem ex altera, per compositionem amicabilem & pro bono pacis conquievit in hac forma videl.' quod nos Ludovicus episcopus Dunolm. volumus concedimus & consentimus pro nobis & successoribus nostris absq.' tamen concessione, alienatione, confirmatione ratificatione seu corroboratione novi tituli vel juris aut usurpatione novæ consuetudinis qualiscunq', ac etiam absq' juris nostri & alieni, si quod alteri competat, in præmissis, præjudicio qualicunq. quod præfatus dom. archiepiscopus eborum ejusq. successores archie'pi ebor'um habeant & exerceant in locis & personis supra dictis, institutionem destitutionem, subjectionem, reverentiam & canonicam obedientiam consuetas, pœnitentiarum & aliorum sacramentorum, quæ ab episcopis duntaxat sunt recipienda; collationem nec non visationem episcopalem, ac cognitionem correctionem reformationem decisionem, terminationem & executionem omnium & singulorum compertorum in visitatione hujusmodi; ito quod per visitationem hujusmodi, correctionem, cognitionem et executionem visitationi, juri seu jurisdictioni nostris antiquis infra scriptis nullam præjudicium generetur.

Item jurisdictionem ordinariam præter quam in articulis infra scriptis; et nos Willielmus archie'pus memoratus volumus concedimus & consentimus pro nobis & successoribus nostris, quod dom.' Ludovicus e'pus Dunolm. & successores sui e'pi Dunolm. habeant percipiant & exerceant in locis & personis prænotatis visitationem & procurationem consuetas; visitationi tamen episcopali nostræ nec non successorum nostrorum supræ dictæ nullatenus derogantes.

Item primarias omnium rerum matrimonialium divortialium, & aliarum quarumcunq' civilium et criminalium ad forum ecclesiasticum qualitercunq' spectantium, ac etiam causarum appellationem cognitiones, & earum decisiones diffinitiones terminationes & executiones; dum tamen criminales causæ ad effectum correctiones & salutis animarum, & nominatim privationis, depositionis, destitutionis seu degradationis intententur: Ita quod si hujusmodi crimina per ipsum Dunolm. e'pum, & ejus successores e'pos Dunolm. qui pro tempore fuerunt, ibidem comperiri contigerit, quæ ad hujusmodi privationem tendant, illa archie'pi eborum qui pro tempore fuerint, ad effectum destitutionis & privationis hujusmodi duntaxat absq. dissimulatione aliqua, denuncient punienda. Item primarias omnium excessuum delictorum & criminum correctiones, reformationes & punitiones in forma præscriptæ, compertis in visitationis archie'pi Eborum duntaxat exceptis. Item obedientiam reverentiam subjectionem episcopalem, inductionem, receptionem compoti super administratione ipsorum, & ab administratione absolutionem; bonorum decedentium ab intestato dispositionem ac custodiam; ac dispositionem fructuum, reddituum, & proventuum beneficiorum ecclesiasticorum vacantium in casibus vacationum per mortem naturalem, vel per cessionem, resignationem seu dimisionem beneficiatorum spontaneas; sequestrationem insuper, custodiam & debitam dispositionem fructuum reddituum & proventuum beneficiorum ecclesiasticorum vacantium, & aliroum bonorum quorumcunq' in aliis casibus quatenus; ipse & prædecessores sui eas habere consueverunt; nec non in præmissis jurisdictionem, censuram & cohercionem ecclesiasticas ac cætera ad jurisdictionem spectantia, prout hæc præmissa omnia & singula habuerunt, exercuerunt, perceperunt, & hiis usi fuerunt temporibus retro actis absq' concessione, alienatione confirmatione, ratificatione seu corroboratione novi tituli, vel juris, aut usurpatione novæ consuetudinis qualiscunq'; & præmissa, in casu negligentiæ &

The bishop's private character is singular; and, by the historians who have mentioned him, is variously represented, and with

excessus e'pi Dunolm & successorum ejusde', qui pro tempore fuerunt, ac ministrorum suorum in hac parte, per archie'pum eborum, qui pro tempore fuerit, reformentur & plenius corrigantur, prout in literis bonæ memoriæ D'n'i Walteri dudu' ebor' archie'pi Angliæ primatis prædeces. n'ri plenuis ordinatur.

Volumus insuper, concedimus & consentimus ut prius, quod de synodis, capitulis, synodaticis, denariis S. Petri, constitutionibus synodal. & custodum spiritualitatis, ac officialium ac ministrorum ordinatione & observantia, nec non de appellationibus, obedientiis, auxiliis, procurationibus, pensionibus ac cæteris oneribus, in locis & personis supradictis de cætero observetur; prout hactenus est fieri consuetum, & in scriptis prædecessorum nostrorum expressius continetur. Præterea cum ex parte D'n'i archie'pi eborum, officialium & præsidentium curiæ eborum fuisset & sit prætensum quod ad curiam eborum, ejus officiales, ipsiusq' curiæ præsidentes, qui pro tempore fuerint, de antiqua approbata, legitime præscripta, non variata, & obtenta consuetudine pertineat, possessiones turbatus quorumcunq' e'pi aut eccl'iæ Dunolm. subditorum ad sedem apostolicam appellantium ipsis reformare; appellantesq' ad curiam eborum tuitorum in statu pristino & debito protegere & tueri, ut appellationes suas eo liberius prosequi valeant & finire, quodq' appellationes tuitorum ad ipsa' curiam eborum interjectæ, & negotia tuitor' tam e'pum Dunolm, & ipsius eccl'iæ Dunolm subditos concernentia, ac negotia tuitor' ipsos contingentia in præfata curia eborum introduci, tractari & terminari debeant & consueverant ab antiquo virtute consuetudinis ante dictæ, inter prædictum d'n'm archie'pum. & prædictæ curiæ officialem ac præsidentes ex parte una, & nos Ludovicum Dun. e'pum nostrosq' ministros, ac eccl'iæ Dunolm subditos ex altera, super quibusdam modum et formam faciendi præmissa contingentibus, gravis fuit et est de novo dissensionis materia suscitata, quæ de dicti d'ni archie'pi et nostri, ac eborum et Dunolm' eccl'iarum capitulorum et nostri et Dunolm' ecclesiæ subditorum consensu pariter et assensu, præmisso tractatu, qui requiritur in hac parte, conquievit inspirante d'no sub hac forma, quod subditi Dunolm' et cæteri in et de civitate vel dioces. Dunolm' quinquc' ad sedem apostolicam et pro tuitione curiæ Eborum appellantes aut appellare volentes, appellationes suas hujusmodi tuitor' libere interponant et prosequantur, vicariusq' generalis e'pi, qui pro tempore fuerit officiales co'missarii et cateri ministri ac subditi eccl'iæ Dunolm' et eporum ejusde', qui pro temp' fuerint, quicunq' mandatis curiæ Ebor'um et rescriptis quibuscunq' in hujusmodi appellationibus et negotiis tuitorum, et eas aut ea qualitercunq' concernentibus pareant et obedeant reverenter, et hujusmodi rescripta et mandata quæcunq' auctoritate dictæ curiæ ipsis directa sumptibus prosequentium hujusmodi appellationes, seu appellantium tuitorum exequantur juxta vim formam et effectum eorundem. E'pus vero Dunolm' qui pro temp're fuerit, non impediat nec impedire faciat vel procuret quic quamve faciat, aut præstet impedimentum clam vel palam nec impedientibus præstet consilium, auxilium, vel favorem quominus appellare tuitore volentes libere valeant appellare, hujusmodiq' appellationes tuitoriæ et rescripta sive mandata dictæ curiæ Eborum quominus debitum in omnibus sortiantur effectum, sed appellationibus, rescriptis, et mandatibus hujusmodi pareat reverenter, præterqua' citando, certificando et eadem executioni demandando; nec in his tribus casibus proxime expressis arguatur, nec pronunciatur idem e'pus Dun qui pro temp' fuerit de contemptu.

In cujus rei testimonium nos Willielmus archiep' memoratus parti hujus indenturæ penes dictum e'pum Dunolm' remanenti sigillum nostrem apposuimus. Et nos Ludovicus e'pus Dunolm' supradictus parti ejusdem indenturæ penes præfatum D'n'um archiep'um remansuræ sigillum nostrum duximus apponendum. Datum quo adnos Willilemum archie'pum prædictum in hospitio nostro juxta West. undecimo kal Feb. anno gratiæ 1330; et pontif. nostri decimo quarto.

Mandatum Archiepiscopale Custodi Spiritualitatis de Hoveden ad inquirend de Eccl'ia de Walkington.

Johannes permissione divine Eborum archie'pus Angliæ primus dilecto in Christo filio custodi spiritualitatis de Hoveden salutem, gratiam et benedictione'. Præsenta-

much inconsistency. He was of exalted birth, was well favoured in his countenance, but crippled and lamed of both his feet, and a miserable figure for the pontifical dignity. He was strictly continent, but in his other manners wholly laical. As bishop of Durham, commanding that important province, in the busy reigns in which he presided, he appears in no commissions of consequence; which is a sufficient proof of his want of capacity. Halt and maimed (as he was,) he could not lead his own troops to the field, the lord Henry Beaumont being their commander when called into service. There are instances to be collected of his imbecility of mind; and it is much to be doubted he had few endowments to boast; the blood of royal progenitors being his only honour. He shewed himself, on every occasion, eager after riches, grasping at gold, yet, like a child, not assiduous to purchase the toy which had his affections: The passion seemed totally dissimilar in him from that which agitates the rest of mankind: The love of money did not bring with it the ordinary anxieties for its attainment; but, more than that, with his avarice he coupled a prodigality truly singular, insomuch, that it is said, he was frequently reproached with his diligence as well to accumulate as to squander his riches. He was particularly severe upon the convent of Durham, using all the devices of his restrained capacity to squeeze from their coffers the money he wished for. Under a colourable representation of the impoverished state of his episcopal revenue, by the Scottish war, he obtained a bull to appropriate to himself a fourth part of the revenues of the house so long as the war subsisted. He had not common gratitude; for when the prior and convent were his sureties for 3000*£*. to certain merchants, which they bound themselves to pay on the bishop's default, he accounted them little thanks. Though the prior made him frequent presents of horses, and other things of value, he received them with an affected air of supercilious neg-

verunt nobis priori et conventus Dunolm' eccl'iæ mag'rum Johannem de Hoton capellanum ad ecclesiam de Walkyngton nostræ dioces. vacantem, et ad præsentationem suam spectantem, ut dicunt. Quocirca devotioni vestræ mandamus quatinus facta fideli inquisitione in pleno loci capitulo, an vacet dicta ecclesia, qualiter et a quo tempore quis vel qui ad eam debeat seu debeant præsentare, quis vel qui ultimo præsentaverat seu præsentaverant ad ea'dem, quis est etiam, seu qui sunt in possessione præsentandi, an sit litigiosa, an sit pensionaria, quibus et in quanto, et quantum valeat annuatim: de meritis etiam præsentati, an sit ligitimus, et idoneus et honestus, an sit ligitimæ ætatis, cujus sit ordinis, an sit alibi beneficiatus, an aliquid obsit præsentantibus seu præsentato, ac de cæteris solitis circumstantiis, nobis quid sub vestro et testificantium simul sigillis constare faciatis distinctius et aperte, ita quod super quavis defidia debeatis minime reprehendi. Bene valeto. Dat. apud Scroby quinto kal. Septembr. pontif. nostri anno 8°.——1 Reg. Eccl. Dun p. 121.

John le Romane, A. B. 1285.—John Moresby, 1352.—John Kempe, 1426.

ligence. The speech the historian records to be made by him, is sufficiently expressive to give the reader a full estimate of the powers of his mind: *Nil facitis pro me, nec ego faciam pro vobis; orate pro morte mea, quia dum vixero, non obtinebitis.* The plain sense of which may be deduced from the wranglings of children at play; "If you won't meddle with me, I won't meddle with "you; you may wish for my being gone, for you'll be no better "whilst I stay."* In the year 1294, he was made treasurer of Salisbury, and from thence advanced to this See. It is no wonder so truly an unlevitical figure, and a man of so weak a capacity, should have great difficulty in obtaining his appointment from the See of Rome. The corruption of the apostolical character in this instance, carries an idea to the heart of the historian, which freezes up the channels of charity. Immense bribes, and the interest of the powerful crowns of England and France, were combined to strangle all true religion and virtue. What a despicable appearance this episcopal object made at the time of his consecration! He understood nothing of the Latin tongue, the historian says, and proves that he had not the pronounciation of a word of six syllables; for when he attempted to read in public, the bull for this sacred office, which he had been taught to spell for several days together, he could not utter it intelligibly; so that when he came to the word *metropolitice*, and hammered over it in vain for a considerable time, he cried out in his mother tongue, *Soit pour dict.* "Let us suppose it read." Well might Graystanes (wounded for the church) exclaim "the melancholy "circumstances astonished the congregation, who, for the sake "of religion, secretly lamented that such a wretch should receive "consecration." But to proceed: In going on with this instrument, impatient of an intolerable task, where even a fool would have blushed in his consciousness of incapacity, when he came to the words *in ænigmate*, he could not proceed one jot;

* Rob. de Graystanes.—Ang. Sac. p. 761.

The circumstance in bishop Beaumont's character, that he was very avaricious, and at the same time very expensive, is not an uncommon one, nor is it difficult of observation. It occurs so evidently with regard to some persons, that it cannot well escape any attentive mind. Hence I have often imagined, that there is not that great merit, in point of penetration and acuteness, which hath sometimes been ascribed to the *alieni appetens, sui profusus*, of Sallust. The character of Catiline is, indeed, finely drawn, and the particular expression is just, picturesque, and beautiful, but the thought is obvious. Sallust could not avoid it in his delineation of that famous conspirator; nor did it escape the notice of Cicero, who, in his admirable description of this incendiary, in his oration for Cælius, says, *Quis in rapacitate avarior? Quis in largitione effusior?*—Robert de Graystanes, though neither a Cicero nor a Sallust, could perceive the union of covetousness and extravagance in bishop Beaumont. In certain characters, the connection between profusion and avarice is apparent and unavoidable; for the same disposition which leads them to expensive pleasures, will urge them to the most rapacious measures, in order to furnish the means of gratifying their passions.———Kippis's new edit. Biogr. Brit. v. ii. p. 86.

but, with a vacant grin, which was intended to express facetiousness, he exclaimed, *Par Saint Lewis, il n'est pas curtois qui ceste parolle ici escrit;* "By St Lewis it is not courteous that this word "is written here." Enough! Enough!

Graystanes, speaking of the bull for the appropriation of a part of the conventual revenue, and another as iniquitous, says, *Nolui ejus consilium eis uti.* This sentence naturally leads to a review of the badges of regality with which this palatinate was endowed. The records referred to before, touching restoration of the forfeitures of war, rehearsing the matter, and speaking of the palatinate, say, "where our writ of right ought not to run,* or "we make seizure of forfeited lands," but that the bishop have his royal franchise, as it was granted by Hen. III. which is a solemn confirmation of the *jura regalia* of the palatine of Durham. Speaking of the palatine powers, the bishop had anciently his thanes, and afterwards his barons, who held of him by knight's service; and that, on public occasions, when his province was in danger, he called them together, the Editor of Camden says, *in the nature of a parliament*, to advise and assist him with their persons, dependents, and money, for the public service, either at home or abroad. But the foregoing is the first instance that has occurred of the interposition of the bishop's council in any public matter. Near the close of life, the bishop was about to appropriate the church of Elwick to the convent, but died before it was effected. He gave to them a moiety of Edmundbyers. He built a kitchen, and also a spacious and complete hall and chapel at Middleham, but did not live to see them finished.† He is said to have rebuilt the walls of Durham, which were much gone to decay. It is not improbable he was led to this important work by the process of Edw. II. before noted, in which he was reproached for neglecting the defence of his province. He died suddenly at Brantingham, in the diocese of York, on the 24th day of September, A. D. 1333, having sat fifteen years. He was interred near the high altar in the cathedral church at Durham, having in his lifetime prepared his tomb-stone, highly ornamented with his effigy in brass, and, round him, the portraitures of the twelve apostles inscribed with an epitaph, expressive of *all the merit* he had in life:‡

* Vide preceding record, the note to p. 338.

† Angla. Sacra, p. 761.

‡ In Browne Willis's Cathedrals, we have it thus:

——— "In Gallia natus,
"De Bellomonte, jacet hic Ludovicus humatus,
"Nobilis ex fonte regum comitumque creatus;
"Presul in hac sede Cæli letetur in Ede.
"Preterieus fiste memorans quantus fuit iste,
"Celo quam dignus, justus, pius atque benignus;
"Dapsilis ac hilaris inimicus semper avaris."

De Bello-monte jacet hic Ludovicus humatus,
Mobilis ex-fonte regum, Comitumque creatus.

Mr Noble says, "This prelate copied the example of bishop "Bek in putting his family arms upon his money. His pennies "are known therefore, by having, in the place were the mint "mark was afterwards affixed, either a lion rampant only, or "with a fluer de lis on one or both sides of the lion. The le-"gends on the obverse are EDWA. or EDWAR. R. ANGL. "DNS. HYB. On the reverse, they read CIVITAS DU-"NELM; and, probably, some have the name of the city of "Durham wrote otherwise, as, during this and the preceding "reign, we have upon the reverse of the Durham pennies, Du-"RELIE, DUREME, DURREM, and DUNELME; and, "upon those of K. Hen. III. DUR. and DUNOL."

"It appears that money was coined both by the king* and the "the palatines, in the city of Durham, in this reign, as well as "of those of his father and grandfather. In this, probably, a "great deal of money issued from the bishop's mint; for Mr "Leake informs us, *that, besides the king's mints, the charter mints "contributed not a little to answer the public occasions.*† As the "the bishop lived several years after the deposition of K. Edw. "II. it is possible he might coin money in the reign of his "successor, which, should any ever be discovered, will most pro-"bably be distinguished by the king's name in the legend on the "obverse, reading EDWARDUS."‡

Over his head was this, on a scroll:

"Credo quod Redemptor meus vivit, qui in novissimo die mé resuscitabit ad vitam "eternam; & in carne mea videbo Deum salvatorem meum."

And this on his breast:

"Reposita est hec spes in sinu meo Domine miserere."

And on his right and left hand, these two verses.

"Consors sit Sanctis Lodovicus in arce tonantis,
"Spirituas ad Christum qui sanguine liberat ipsum."

* King Edward III. † Leake, p. 91.

‡ The See vacant.—Adam de Brome Temporal Chancellor. Oc. 12 Oct. 1316:—Probably a false date Vide Newcourt, v. i. p. 628. *Ubi mult sunt videnda.* Hist. of Norfolk, p. 787. A free chapel in Wigton town.

Aug. 18. 1322, K. Edw. II. gave to A. de Brome, his clerk, certain separate tithes which Jeffrey de Welleford, clerk, deceased, held by the grant of K. Edw. I. and which was belonging to the king, as guardian to the heir of Drogo de Merlaw; and this was called *The Chapel of Buttehaut*, and had a portion of 100s. out of the rectory of Wighton.

Lewis Beaumont, bishop:—Leave of election, 19th of Oct. 1317; consecrated 26th March 1318; temporalities restored, 4th May 1318; ob. 22d or 28th September 1333.

Officers of the See during the Time of Bishop Beaumont.

Justices of Assize,—Rob. de Brampton, Odo de Boughs, and Richard de Stanlaw.——Rymer tom. iv. p. 475.—Collins's Peerage.—W. H.

In the 12th year of K. Edw. II. A. D. 1319, a writ issued to the barons of the exchequer, setting forth, that the king's money, minted in his mints of the bishopric of Durham, &c. had not been assayed and tried, and commanding them to cause the same to be done.*

Galfrid de Burdon, who was elected prior in the year 1313, resigned in the year 1332, having assigned to him for maintenance the cell of Weremouth, with the tithes of that vill and of Fullwell. William de Gisburn was elected prior on his resignation, but renounced the same; on which William de Contoun succeeded, and died in the year 1342.

Licence having been obtained for the election of a prelate, the convent delegated a certain number of the fraternity for making choice of a proper person to fill the See; who on the 15th day of October nominated Robert de Graystanes, the author to whose writings such frequent recourse has been had in this narrative, who had the degree of Doctor of Divinity, and was then subprior of Durham.† He was unanimously approved by the convent, and received the metropolitan's letters proclamatory accordingly. On his application to the king for the royal assent, he was told by his majesty, that he understood the pope had ordained Richard de Bury, his domestic chaplain, to the bishopric of Durham; that he was very unwilling to give offence to the sovereign pontiff, and therefore could not assent to his election. It appeared, that the king had not only applied to the pope in Bury's favour, but also wrote to the convent to request his elec-

High Sheriffs,—Nic. de Sutton:—Oc. on Saturday in Passion Week, the 3d of Lewis, 1320. Oc. again, 6th Lewis.
John de Hamby, or Haneby:—Oc. die Lunæ p't f'm S. Lucie Virgo, A. 10°
John de Eggisclive.
Will. Browere. Vic. Lodovici nup' c'pi prædec. n'ri f. in Rot. Bury.
Temporal Chancellor,—Nich'us Gategang, cl'icus.—Grey's MSS.
Seneschals,—Rich. Marmaduke.—E. Catal. Biblioth. Harl. No. 1808.
A° 1318, *occius p' d'num Rob. de Neville cognatum suum, &c.*
D'n's——de Crumpton.—E. Copyhold B. of Hatfield, marked with the letter A on the back. p. 4. Pl. Hal. apud Stokton die Sabati, p. fest' S. Margarette. V. A° Thome, 4to. (Jul. 1349.) These words follow: *Temp'e D'n'i de——Crumpton Senesc.*
Tho. Surtays, knt.—Oc. in vigilia S'cti Hilarii, 13th Jan. 1331.——Randal's MSS.

* Baronibus per regem. Quia moneta regis de cuneis suis in episcopatu Dunelmensi, &c. tempore d'ni Edw. quondam regis Angliæ patris sui, seu suo assayata non extilit, seu temptata, unde plurimum admiratur. Mandat baronibus quod monetam suam, in dictis duobus locis modo debito assayare & temptare, & ulterius inde fieri faciant, prout justum fuerit in hac parte, & alias fieri consuevit. Test. rege apud Eboracum 30 die Nov. A° 12°. Per consilium. Hil. Brev. 12 K. Edw. II. Rot. 79.——Madox's Hist. Exchequer, 4to. v. i. p. 292.

† Rob. de Graystanes.—Ang. Sac. p. 762.

tion. The bishop elect returned to York, where, after having held a consultation with the canons of the church there, and having obtained consent from the prior and convent of Durham, notwithstanding the refusal of the royal assent, he says himself he received confirmation on the 4th of the ides of December; but Wharton, in his notes, on the 10th of November, in the church of St Mary's at York; and on Sunday following being the 8th of the kalends of December, or, according to Wharton, on the 14th day of November, he was consecrated in the chapel of the archbishop's palace, by the archbishop, the bishops of Carlisle and Armagh assisting at the ceremony; and on the Sunday following, he was enthroned at Durham. Having professed obedience, as usual, he applied to the king for restitution of the temporalities; but he was refused admittance to the presence, receiving a message by the treasurer, that as it was not customary in England for any bishop to receive consecration, or be confirmed without the royal assent, in a matter so unprecedented, and of such consequence, he would give no answer without being fully advised therein, and therefore would lay it before his next parliament. Soon afterwards,

RICHARD DE BURY

came to Durham, bearing the pope's bull, the royal letters of confirmation, and due process for restitution of the temporalities, and was immediately received. The archbishop of York, having had an inspection of those instruments, wrote to the clergy and people of Durham, that they should pay obedience to the nominee. The Melton Register says, he confessed the consecration of Graystanes was performed in perfect ignorance of the pope's appointment. Bishop Bury's nomination bore date the 14th day of October, A. D. 1333; he was consecrated the 19th day of December following; was installed by proxy, on the 10th day of January 1334, and enthroned, in proper person, the 5th day of June following. He made profession of obedience on the 12th day of February, A. D. 1337. The convent did not think it expedient to litigate this matter, notwithstanding many favourable circumstances appeared on Graystanes' behalf, as the grievous expences attending such a suit did not then befit the exhausted state of the conventual treasury, drained as it was by the injuries and losses sustained by the Scottish war; so that they thought it more prudent, in this instance, to submit to the higher powers implicitly, than contend against an influence which promised to overthrow the justest pretensions they could plead.*

* Rob. de Graystanes.—Ang. Sac. p. 763.

The learned monk did not submit with that religious resignation one would have expected from a man of such an enlarged mind, and extensive understanding. The bane of ambition had long disturbed the tranquillity of the cloister; and desire of greatness been habited with the humble attire of the cowl. The anxiety of mind, derived from disappointed hopes, brought this valuable man to a hasty dissolution.* Religion, virtue, learning, vows of self-denial, and resistance of the passions, could not shield him from the same venom which poisons the felicity of those without the doors of the convent.

The bishop was born in or near Edmunsbury in Suffolk, in the year 1281, 9th Edward I. and was known more publicly from the place of his birth, than the family name of Aungerville. His father, Sir Richard Aungerville, knight, dying whilst he was young, his uncle John de Willoughby, a priest, took the charge of his education; and after he was sufficiently instructed at a grammar school, sent him to finish his studies at Oxford, where he made a distinguished progress in philosophy and divinity, and gained great esteem for his learning and exemplary life.† When he left Oxford he became a Benedictine monk at Durham; and, soon after, from the public character he had, for virtues as well as erudition, he was made preceptor to prince Edward, afterwards Edward III. In 1325, being treasurer of Guienne, when the queen refused to return to England, on account of the baneful influence of the De Spencers, he supported her and the prince with large sums of money out of that exchequer, for which being questioned by some of the king's partisans, it became necessary to his safety to abscond. He fled to Paris, and, being pursued by the king's lieutenant with an armed party, narrowly escaped, and concealed himself for seven days in the tower of the church of the Friers Minores.‡ When Edward the Third came to the crown, he loaded his preceptor with honours and preferments. He at first made him his cofferer, then treasurer of the wardrobe, archdeacon of Northampton, prebendary of Lincoln, Sarum and Litchfield; afterwards keeper of the privy seal, which latter office he held five years, and was in that time sent twice ambassador to the pope. On the first audience he was received with the favour due to his distinguished learning and virtues. He was appointed first chaplain of the pope's chapel, and was presented

* He was buried in the Chapter-house, with this inscription:

De Graystanes natus, jacet hic Robertus humatus,
Legibus armatus rogo sit sanctis sociatus.

† Biog. Brit. new edit. v. i. p. 370. ‡ Ibid.

with a rochet in the place of a bull for the first vacant bishopric in England. At that time he possessed English benefices to the value of 5000 marks a-year. On the second audience, he had certain powers granted him touching the promotion of clerks, and was allowed, whenever he approached the presence of the pope or cardinals, to be attended with twenty clerks, dressed in uniform vestments, and 36 esquires, also in uniform. On his return from this second embassy, he was informed whilst in France of the death of bishop Beaumont, and of the king's letters to the See of Rome for his promotion to the bishopric; at which, it is said, he was much grieved; and when William de Tykell, rector of Stanhope, mentioned his sending letters to the cardinals, and others, in his interest, to obtain the vacant bishopric, he answered with warmth, that he would never consent to any such applications for this or any other See. In 1333 he was promoted to the deanry of Wells, and as mentioned before, in the same year, appointed bishop of Durham. He was consecrated on Sunday preceding the birth-day of his 46th year, by John Stratford archbishop of Canterbury, in the abbey of the black canons of Ceertsey in Surrey. He was soon afterwards enthroned at Durham, on which occasion he made a grand festival, and entertained in the hall of his palace at Durham, the king and queen of England, the queen-dowager of England, the king of Scotland, the two metropolitans, and five other bishops, seven earls with their ladies, all the nobility north of Trent, with a vast concourse of knights, esquires, and other people of distinction, among whom were many abbots, priors, and other religious; also an infinite multitude of the commonalty were entertained.* The next year he was appointed high chancellor, and, in 1336, treasurer of England.

Amidst all the confusion of the war with Scotland, our bishop is not named. Various were the events which attended the military operations of both nations, and the borders were imbrued in blood: But the bishop's character was not military: He was not at the head of his provincial troops, but served more essentially in the cabinet. Edward Baliol was raised to the throne of Scotland, but it was an exaltation coupled with a vassalage, which soon grew intolerable. The English lords who had possessions in Scotland, in consequence of the concessions made on Baliol's accession, soon assumed an arrogance not to be endured; and the new settlement was very early thrown into distraction; on which Brus's party again appeared in great force in various parts of the kingdom. Whilst matters were in this troubled state

* Ang. Sac. p. 765.—Biog. Brit. v. i. p. 370.

in the north, the bishop of Durham, with the bishop of Winchester, were sent ambassadors to the king of France, to treat about a croisade, then in agitation, and which was promoted some time before by pope Benedict; and also to treat of peace between England and Scotland. But hostilities were not suspended. The war was prosecuted the following year, and many advantages were gained against Baliol's party. In the year 1338, the bishop of Durham was twice on an embassy to France, but without effecting the terms of peace he was sent to obtain. In this year the king passed over to the continent, with a large armament, to obtain redress of injuries by force of arms; and in his absence the war with Scotland was feebly maintained. He did not return to England till the year 1340. In this year the Scottish army advanced to the environs of Durham, marking their progress with the usual depredations and ruin. A truce was made with France, in which Scotland as an ally, was included, which put an end to the raging of the border war for some time; and a second truce with the Scots succeeding, it was not till after the return of David Bruce and his queen to Scotland from their exile, in the year 1342, that hostilities were renewed. In the last truce, the bishop of Durham was joined in commission with Henry of Lancaster, the earl of Derby, and others, dated 3d April.* From the authority of Froissard, l. i. c. 75. the au-

* Rymer, tom. v. p. 306.

A. D. 1331. 5 K. Edw. III. Ad regem Scotie de episcopo Dunelmensi non inquietando——Rymer's Fœ. v. iv. p. 499

—— 1333, 12 K. Edw. III. De passagio Dunelmensis episcopi ad partes transmarinus.—Ib. vol. v. p. 58.
De protectione R. episcopo Dunelmensi ad partes (transmarinas, ——Ibid.

—— 1340. 14 K. Edw. III. Super presentatione ad prioratum de Coldingham. ——Ibid. p. 165.
De publicando impressiones sigillorum.—Ibid, p. 170.
De libertate episcopi Dunelm. conservanda illeæsa.—Ibid. p. 178.

—— 1341. 15th K. Edw. III. Pro E. rege Scotiæ, de arratione facienda.—Ibid. p. 278.
Consimile mandatum episcopo Dunelmensi.—Ibid. p. 279.
Pro episcopo (R. Bury) Dunelmensi indempnitate.—Ibid. p. 295.

—— 1343. 17 K. Edw. III. Will. de Killdesby l'res regis de protectione prebenda quam habet eccl'ie de Derlyngton.—Ibid. p. 363.
Bulla super redditibus ecclesiæ de Haughton infra Dunelm. dioces. in disponendis.—Ibid. p. 391.

A. D. 1338. 12 K. Edw. III. Syll. 25. Ad ep'm Dunolm. de scrutinio pro Lanis ocultis, N° 75, 76,
Syllabus, &c. Capitula Auctorum Dat. reg. Edw. III.—Rymer, vol. iii.

—— 1340. 14 K. Edw. III. ——27. Pro episcopo Dunolm. de Denariis pro expensis solvend. No. 61.
——Pro episcopo Dunolm. de parco fracto inquirendo. No. 69.
—Rym. v. iv.

thor of the Border History has said, "that David's resentment "of his own grievous treatment, joined to the bitter complaints "made by his subjects of their sufferings from the English, "prompted him to engage without delay in the work of seeking "revenge, and obtaining reprisals for past losses and injuries. "His subjects fondly flocking around his standard, he set out "from Perth at the head of a numerous army (60,000 foot and "3000 horse,) and, entering England by the eastern border, "wasted and spoiled far and wide, the counties of Northumber- "land and Durham. He laid siege to Newcastle, which was "defended with such vigour by Sir John Neville, that he was "soon obliged to retire from it. He marched from thence to "Durham, which city he besieged and took, and there gave a "full vent to his revenge against the English, sparing neither "sex nor age, priests, nor sacred edifices. The king of England "seems not to have expected, or not to have had timely intimation "of this attack of king David upon his dominions; for there was "no force near the march able to resist this sudden and formi- "dable invasion. As the Scottish army was returning homewards "with great loads of plunder, they passed in sight of the Castle "of Wark. This fortress belonged at that time to the earl of "Salisbury; his countess resided in it, and his brother, Sir Wil- "liam Montague, was governor. The indignation of the garri- "son being excited at seeing the spoils of their country carried "off with impunity, a part of it, consisting of 40 horse, with their "governor at their head, sallied suddenly forth, and attacking "the rear of the Scottish army, killed 200 of them, and carried "160 horses, laden with booty, into the Castle." The editor of

A. D. 1341. 15 K. Edw. III. —— 30. Pro episcopo Dunolm. de exoneratione. No. 87.

——— Concordia inter regem & episcopum Dunolm. quod si Felones vel alii malefactores ex limitibus comitatum Ebor. Northumb. Cumbr. & Westmorl. in Franchesiam episcopatus Dunolm. fugerint vice comitibus vel aliis officiariis comitatum prædictorum resignentur & sic contra. No. 97.——Rymer, vol. v.

—— 1343. 17 K. Edw. III. —— 32. Pro episcopo Dunolm. audita Querela de exoneratione. No. 46.

—— 1344. 18 K. Edw. III. —— 32. Pro ep'o Dunolm. de Cuneis pro Sterlingis. No. 93.

—— Pro e'po Dunolm. de Cuneis liberandis. No. 102.

—— 1345. 19 K. Edw. III. —— 33. Pro ep'o Dunolm. de temporalibus liberandis. No. 127.

———De sigillo pro officio cancellarii ep. Dunolm. sede vacante liberando No. 120.

—— De debitis nuper episcopi Dunolm. levandis. No. 130.

—— De tenentibus episcopatus Dunolm. exonerandis. No. 131.

—— De cuneis electo Dunolm. liberandis. No. 136.——— Rymer v. vi.

that history, in a note, has corrected this erroneous account; "the taking of Durham, and the cruelty and sacrilege David "committed there, must be a mistake; for as Tyrrell observes, "there is no mention of any thing like it, either in the Scottish "or English historians, in manuscript or in print."

The chancery rolls of bishop Bury being extant, and perfect, and other records in his time better preserved than those of any of his predecessors, there is in the Durham archives, a more perfect series of acts of jurisdiction of this than of any preceding æra.

The bishops of Durham, by their *jura regalia* before observed upon, held a court of wards and liveries, and had an escheator and feodary, until the act of parliament, made in the 12th year of Charles II. (1661,) ch. 24. took away wardships throughout the whole kingdom. Of the exercise of this jurisdiction, there are many records in our bishop's time; of which a few are noted for example sake.*

* *Diem clausum extremum.*——Sched. 13. A° 10°.

Quia Steph'us fil. Willi de Camhous, qui ded'no E. tenuit in capite, diem clausit extremu', ut ep'us accepit, mandatu' est Will'o de Mordon escaet. in co. Dun. & Sadb'g q'd o'ia terra & ten. de quib's id. S. fuit se'itus, in d'nico suo ut de feodo in balliva sua die quo obiit, sine dilaco'e capiat in manu' ip'ius d'ni ep'i & ea salvo custodiri fac. donec aliud inde, &c. & p' sacru' p' bor & legaliu', &c. & quis p'pinquor hæres sit ejus & cujus ætatis. Dat. Dun. &c.

De fidelitate Capta. Sched. 19. A° 10°.

R. Dei gratia ep. Dun. &c. Will'o de Mordon esc. &c. Quia accepimus p' inq. q'm p'te fieri fecim. quod Stephanus, &c. qui de nob. tenuit in Cap. in balliva v'ra die quo obiit unu' Mess, &c. p' S'vicium octo S. ad Scacc. n'ru' t'minis co'suetis an'- uatim solvend. Quodq' Alicia fil. ejusd. Steph'i est her. ejus p'pinquor. & ætat viginti & quatuor annor. ccpimus fidelitat. ip'ius Alicie de Mess'o, &c. & illa ei reddidimus, necno. securitate. ab ead. de rena'bili relevio suo nob. ad sc'c'm n'r'm Dun. reddendo in canc. n'ra recepimus. Et ideo vobis mandamus q'd eid Alicie p'd'cis Mess. &c. que occo'e m'tis p'd'ci Steph'i p'ris sui cepistis in man. n'ram plenam seisina. he're facias. &c. Dat. ap. Dun. &c.

Assigna. Dotem.——Sched. 19. A° 10°.

R. Dei gra. &c. Quia Margeria que fuit Ux. Joh'is Ellot de etc. de fu'cti qui de nob. tenuit in cap. p'stitit sacrum in canc. n'ra q'd se n'o maritabit sine licentia vob. ma'damus q'd eid. M'gerie rationabile' dotem sua' de o'ib's t'ris & ten. que fuerint p'd'ci Joh'is quo'da' viri sui, in Balli'a v'ra die quo obiit, et que occo'e m'tis ejusd. capta sunt in manum n'ram jux'a extentam inde f'c'am v'l aliam, si necesse fuerit, p' vos iterato faciend. secundu' legem & co'suetudinem regni Angl, & n're regie lib'tatis contingentem assignari faciatis. Et cu' illam assignaco'em feceritis, eam nob. sub sigillo v'ro in canc. n'ram sine dilaco'e mittatis. Dat. &c.

De custodia commissa.——Ibid.

R. Dei gra. &c. omnes &c. sal Sciatis q'd p' finem que M'geria que fuit Ux. J. Ellot fecit nobiscu' com'misimus ei custodia duar. p'tin unius Mess. &c. que fuerint Joh'is Ellot defu'cti qui ea tenuit de nob. in ca. & que ro'e minoris ætat. Joh'is fil. & he'dit p'd'ci J. E. in manu n'ra existunt. he'nd cu'm o'ibus ad custodia' illam spectant usq. ad legiti'am ætat. he'dis p'd'ci una cu' maritagio ejusd. absq. disp'agaco'e redd inde nob. &c. In cujus rei T. has l'ras n'ras fieri fecimus patentes. Dat. &c.

Et mandatu' est Will'o de Mordon esc. in co. Dun. & S. q'd eid. M'gerie custodiam p'd'cam liberet, he'nd in forma p'd'ca.

It has been remarked, that the bishops of Durham had their court of chancery, and court of pleas, as well of the crown as of all civil rights of the subjects of the palatinate, and all actions real, personal, and mixed, for lands, goods, contracts, and trespasses; and all other matters arising within the liberties of this province, in which the justices were anciently appointed by the bishop by commission in his own name, and under his own seal; and not under the stile of the king, as a *locum tenens* would have granted the same, had he been invested with power so to do. All indictments within the county-palatine were anciently in the

De Homagio capto.——Sched. 14. A° 10°.

R. Dei gra. Vic Norham. S. Quia Rob. fil. & he's Rob'ti de Gray de cornal defuncti, qui de nob. tenuit in ca. die obitus p'ris sui inf'a etatem, &c. plene est ætatis, sicut p' inquisico'em p' te mandate n'ro capt. & in canc. n'ram retornat. est comp'tu' cepimus homagiu' & fidelitat. ipius Rob'ti fil. Rob'ti de o'ibus t'ris, &c. reddidimus. Et ideo vob. ma'damus q'd eid. Rob'to, &c. plena' seisinam he're fac. salvo jure cujuslibet Dat. Dun. p' man. R. de Calne Cl. n'ri 6° d. Aug. A'o s' ad'co.

De Licentia Alienandi.——Sched. 19. A° 10°.

R. Dei gra. &c. O'ibus, &c. Sciatis q'd de gra. n'ra spi'ali et p' finem que' T. L. fecit nobiscu' co'cessimus et Lic. dedimus p' nob. & Succ. n'ris e'pis Dun. quantu' in nob. est. Hugoni Burdon, q'd ip'e de man'io suo de Yvelly cu' p'tin. q'd nob. tenetur in ca. feoffare possit Waltu' Waltu' Boneville, &c. he'nd & tenend. sibi & he'd suis de nob. & succ. n'ris p'd'cis p' s'vicia inde debit. & co'sueta imp'p'm. Et eisd. Walt'o, &c. q'd ip'i h'ita inde plena & pacifica seisina dare possint & co'cedere man'iu' p'd'c'm cu' p'tin. p'sato Hogoni He'nd & ten'end ad tota' vitam sua' de nob. & d'cis succ. n'ris p' s'vicia p'd'ca ita q'd p'd mortem ip'ius H. p' d'cam man'ium cu' p'tin. Hugoni fil. p'd'ci Hugonis & Dionysie filie p'd'ci Thome & he'dibus de corpo'ibus eorundem Hugonis filii Hugonis & Dionisie exeuntibus remaneat. tenend de nob. & succ. n'rissup'a d'cis p' s'vicia sup'a d'ca imp'p'm tenore p'sentiu' silit. lic. dedimus spi'alem. Nolentes q'd p'd'cus Hugo vel he'd sui, aut p'd'ci Walt'us, &c. seu he'des eor ro'e p'misor. p' nos v'l succ. n'ros p'd'cos justic. escaet. vicecom. aut al. Ballios, seu ministros n'ros quoscu'q occo'nentur molestent. in aliq'o seu g'ventur. In cujus, &c. Dat. &c.

De finibus levand ex licentia D'ni——Sched. 14. A° 10°.

Ric. Dei gra. D'ilcis & fid. suis Rob'to de Inghall & Mich'i de Presfen Justiciariis in co. Norham assignatis. Sal. cu' de gra' n'ra spi'ali co'cesserimus & licentia' dederimus, &c. Rob. de Maners Cliv. q'd ip'e de, &c. Man de Beryngdon, &c. que de nob. tenentur in ca. ut dicitur feoffare possit A de S. H'nd. & tenend. sibi & he'd. suis de nob. & succ. n'r's e'pis Dun. p' s'vicia, &c. Ac jam b're n'rem de co'venco'e int. ip'u' R. de M. & p'd'cos A, &c. de eisd. man. &c. pendeat cora' vobis ad Finem inde int. eos levand. ut accepimus. Vobis mandamus q'd finem p'd'c'm inter p'tes p'd'cas de pred'cis, &c. cora' vob. in p'xia sessione v'ra apud Norham sc'd'm lege' & co'suetudinem regni Anglie & n're regie lib'tatis levari permittas, juxta concessionem n'ra. suprad'cam, eo non obstante, q'd ten. p'd'ca tenentur de nob. in capite sicut p'd'c'm est. Dat. &c.

De remittendo fine levari.——Sched. 14 A° x°.

M'd q'd d'n's e'pus de gra. sua sp'ali & ad requisico'em dil'ci sibi x'to d'ni Joh'is de Norham mo'achi eccl'ie sue Dun. concessit & licentia' dedit, &c. Et super hoc mandat. justic. in co. Norham assign. q'd p'mittant finem inde levari int. p'tes p'd'cas absq' fine inde ad opus ip'ius e'pi capiendo juxta concessionem suprad'cam. Dat. Dun. p' manu' Rob'ti de Calne, &c.——Randal's MSS.

bishop's stile, and *contra pacem domini episc.* as in the king's stile without the limits of the palatinate.*

Pardons were also granted by the bishop and his predecessors for felonies, outlawries, and trespasses, *contra pacem*, and forfeitures for recognizances. The lands, chattels, and effects of per-

* *Recognico' R'adi de Nevyll D'ni de Middleham D'no Roberto de Clifford.* Ranulphus de Nevyll d'nus de Middleham venit hic in canc. &c. & cognovit se debere d'no Rob'to de Clifford. D'no Westmerland mille libras solvend. ad f'm S'c'i Michaelis p'x futur. & nisi fecerit, co'cedit, quod vicecom' fieri fac. & d'cus Rob. de Clifford d'nus Westmerland venit hic in canc. &c. & cognovit se debere d'no R'ado de Nevyll d'no de Middleham q'adrigentas m'cas solv. ad festam S. Michælis p'x futur. & nisi fecerit, concedit, quad vic. fieri fac.——Sched. 13. A° x°.

Constituto' ad Assisas.

R. Dei gra. ep. Dun. dil'co & fideli suo Rob. Darreyns sc. Sciatis q'd cu' constituerimus dil'cos & fideles no'ros Rob'tu' de Maners Rob'tu' de Inghall & Mich'em del Presfeu & quos eor. justic. n'ros ad o'es assizas, juratas & certificaco'es p' div'sa br'ia n'ra in co. Norham arrannatos & arrannaud. capiend, nec non ad o'ia plita & querelas si'liter p' b'via n'ra div'sa in eod. com. sum'onita & sum'onend. audiend. & t'minand constituimus vos justic. n'r'm ad o'es Assisas juratas & certificaco'es p' div'sa br'ia n'ra in co. p'd'co cor. ipsis. Rob. Rob. & Mich'e ante data' p'sentiu' arrannatas una cu' eisd. R'o R'o & Mich'e duob's et uno eor. in p'xima sessione apud Norham illa vice capiend. Nec non ad o'ia pli'ta & quarrelos silit p' div'sa br'ia n'ra & co. p'd'co, &c. q'd ad o'ia p'missa, &c. faciend, &c f'curi inde q'd ad justic. p'tinet sc'd'm legem & co'suetudi'em r'ni Angliæ & n're regie lib'tat. Salvis nobis am'ciamentis et aliis ad nos inde spectan. mandam. &c. In cujus rei, &c. Sched. 14. A° x°.

De sessione Justic. Assignat. revocand.

R. &c. dil'cis, &c. Rob. de Maners, &c. justiciar. ad assizas in co. Norham capiend. assign. S. cu' p' consuetudine app'batam aut recordu' aliquod n'o constet nob. q'd justic. n'ri aut aliquor. p'decessor n'ror e'por Dun. in co p'd'co te'por'ib's retroact. assignati p'textu aliquor. pl'itor'u p' div'sa br'ia n'ra seu p'dec. n'ror p'd'cor de ten. in Halyeland p' justicia inde facienda. aliq'o temp'e pl'ito assignarunt nec ibid. immo ex hac causa apud Norham huc usq. accesserunt ac jam intelleximus, q'd vos p'textu cujusd. assise nove disse'ie quam Christiana, &c. de Hayeland arrainavit coram vob p' br'e n'r'm v'sus Adomarum, &c. in br'i n'ro originali cor. eisd. justiciar. motor sessionem suam apud Halyeland contentos de ten. in Halyeland p'tendentes tenementa in Halieland alibi quam in villa p'd'ca pl'itari non deberi sessionem v'ram in favorem ip'is Christiane, &c. p' assisa p'd'ca ibid solumodo capienda minus p'vide assignastis, & ibid. ex hac causa accedere intendistis in a'ri da'mpnu' & p'judicu', ac lib'tat n're regie lesionem manifestam, sup' quo q'm plurimu' admiramur & monemus vob. firmiter ac districtus in'jugendo mandamus, q'd sessionem v'ra apud Halyeland p' vos sic assignata' sine dilon'e revocantes ad locu' assignatum occo'e assisse p'd'ce ibid. capiende nullatenus accedatis, nec quicquam, q'd ad justiciam p'tinet ibid. facere presumatis quod in derogaco'em lib'tat. n're regie cedere valeat quovis mo. & siquid p'vos in hac p'te ibid fieri contigerit, nullius auctoritat adjudicamus. Dat Dun.——Sched. Ibid.

Goal Delivery. Sched. ib.

R. Dei gra. Dilecto si. W. de Blakyston vic. Dun. & Sadb'g. s. sciatis q'd cu' sc'd'm co'suetudinem in n'ra regia lib'tate hactenus obtentam et app'batam vicecomites com. p'd'cor qui p'temp'e fu'int ad quelib't comitatu' p' ip'os tent. gaolas. Comitatuu' p'd'cor de c'tis prisonib's detent. in eisd. jux. officii sui deditu. deliberav'int et deliberare co'suev'int. Nos co'suetudine p'd'cam acceptantes et ut tua potestas in hac p'te eo majoris sit auctoritatis, co'stituimus te q'm diu vic. n'r fu's, justic. n'ram ad gaolas Dun. et Sabb'g de com. in com. de p'sonibus in eis detent. exceptis hiis quos p' morte ho'is capi contigit sec'd'm consuetudinem p'd'cam ac legem et co'suetudinem regni Angl. delib'and. Et ideo tibi p'cipimus, q'd galoas p'd'cas delib'arf

sons accountant to the bishop, were seized for defaults; and inquisitions were awarded touching all public trespasses.*

fac. infra sup. d'ca, &c. inde tam id q'd ad justic. q'm q'd vic. sc'd'm legem et co'suetud. p'd'cas in hac p'te p'tinet faciend. Salvis n'bis am'ciame'tis et aliis ad nos inde spectantib's. In cujus, &c.——Sched. 17. A° xi° E'pi.

De non intromittendo.——Sched. 19 A° x°.

R. &c. W'e de Mordon esc. &c. Cu' nos nup' c'tiorari volentes sup' causa capco'is triu Mes. Joh'is de Eggisclive cu' p'tin. in Dun. p' vos, &c. in manu' n'ram. Vob. mandav'imus q'd nos de causa capco'is, &c. ac vos, &c. q'd invenistis p' Inq. cora' vob. ex officio v'ro capta q'd p'd'cus Joh'es edificavit mes p'd'ca sup' vastu' n'ru si'e licentia n'ra & nos postmodum ad p'secuco'em p'd'ci Joh'is nob. suggerentes q'd mess. illa non edificantur sup' vastum n'r'm, &c. q'd solum, &c. ubi mes. illa jam situantur, sunt & ab antiquo fuerunt tria Burgag. que tenet'. de nob. p' s'viciu' reddendi apud le tolbuth Dun. p' Landmale q'tuor den &c. Volantes inde plenius c'tiorari assignavimus, &c. Rob. de Calne cancellar. n'ru, &c. ad inquirend. Ac ja' p' Inq. &c. sit comp'tum q'd solum, &c. noti fuerunt vast. &c. non nolentes eid. Joh'i de E. injuriam fieri in hac p'te ma'damus vob. q'd de mess. p'd'cis cu' p'tin. si p'missa occo'e & n'o alia in manu n'ra existant, vos ulti'us non intromittatis. Exitus, si quos inde p'cep'itus p'fato J. de E. liberantes. Dat Dun. &c.

Pardon'aco adquisico is tr'ar fine lic——Sched. 15. A° xi°.

R. Dei gra, &c. S. Sciatis q'd cu' Tho. Gray defu'ctus diversa terras & ten q'e de nob tenentur in C. ut dicitur in lib'tate n'ra regia in feodo, du' vixit, adquisivisset, & ta' id. Tho. q'm Tho. fil. ejus p' m'tem d'ci p'ris sui ea ingressi fuissent lic. aliquor. p'd'cor n'ror e'por. Dun' seu n'ra sup' hiis non obtenta. Nos de gra. n'ra spi ali p'donavimus transgressiones f'cas in hac p'te & co'cessimus, &c. q'd ip'e t'ras & ten. p'd'ca, &c. h'eat & teneat sibi & he'd suis, &c. imp'p'm sine, &c. Dat. Dun. &c.—Randal's MSS.

* *De Ter. Ten. Bonis & Catall. que fuere R. de Whitparis in man. D'n'i scisiend.* Sched. 15. A° x°.

R. Dei gra. &c. Vicecom. Dun. S. Quia Ric'us de Whitparis capitalis forestarius n'r de Werdale qui in div'sis pecuniar. su'mis nob. tenetur & qui de exitibus ballive compu' suum non nondu' reddidit, die' clausit extremum, sicut ex testimonio accepim. fidedigno. Tibi precepimus q'd o'ia Ter. & Ten. de quibus idem R. fuit seitus in denico suo quecu'qu' ut de feodo die obit. sui, ac etiam bona & catalla sua que'cu'q' in quorcuq' manibus inventa in ballia tua sine dilac'oe capias in man. n'ram & ea salvo & secure absq' distrac'coe aliqua custodiri fac. Ita q'd nullus ad ea manus aliqualiter apponat, sine mandato n'ro sp'iali quosq' de eo quod nob. in hac p'te debetur p'ut decet, & rondeatur, & aliud a nob. inde hu'eris in mandatis. Et hoc sicut te indempnem erga nos co'servare volueris nullatenus omittas. Dat. Dun. &c.

Carta de P'don utlagar. Sched. 14. A° x°.

R. Dei. gra. &c. O'ibs ballivis & fidelib's suis ad quos, &c. S. sciatis q'd cu. Andreas de Merkyngfeld chiv. p' eo q'd nup' non venit cora' dil'cis & fid. n'ris Rog'o de Esh & sociis suis tunc justic. n'ris ad quadam transgressionem Elie, &c. P'p'fatu Andream & aliot ut dicitur, illatam audiend. & t'minand. assign. ad ro'ndendu p'fatis Elie, &c. de t'ngressione p'd'ca in exigend positus fuisset in com. Sadberg. ad utlagand. & ea occ'one p't modum utlagatus, ut accepimus. Nos ad requisico'em dil'ci & fidelis n'ri Ric'i de Aldeburgh p'donavimus eidem Andree utlagarium signa in ip'um occ'one p'missa fuerit p'mulgata & firma' pacem n'ram ei inde co'cedimus. Ita tamen q'd stet recto in cur. n'ra si p'd'ci Elias, &c. v'sus eum loqui voluerunt de t'ngressione sup'a dicta. In cujus, &c.

Warant diei Will de la Pole. Ibid.

R. Dei gra. &c. Justic. suis in co. Dun. assign. S. sciatis q'd Will'us de la Pole fuit in s'vicio n'ro p' p'cept n'rum die M'curii, &c. ita q'd eo die int'esse non potuit loquele que est cor. vob. p' bre' n'r'm int. Agnete, &c. & p'fatum Will'um tenentem de q'tuor toftis, &c. in Fishburn. Et ideo vob. mandamus, q'd p'd'cus Will'us p'pter absencia' suam non possit ad diem illum quo ad hoc ei warrantrizamus. Dat. Dun. &c.

The bishops, by patents, have always appointed their sheriffs, under-sheriffs, county clerk and goaler, the clerk of the crown, and other officers within the palatinate.*

2 Z

L'ræ de protec'core cu' clausula concessæ. Sched. 15. A° xi°.

Tho. Gray Miles qui in comitiva excellentissimi p'incipis d'ni Edw. illustris regis Angl. ad p'tes t'nsmarinas p'fectures est, he't l'ras e'pi de p'tec'oe cu' clausula, volumus usq' ad festum natalis d'ni p'x. futur. duratur p'sentibus. Dat Dun. &c.

Inquisition of Trespasses. Sched. 16. A° xi°.

Ric. Dei gra. dil'cis, &c. Tho. Surtays & al's s. ex g'vi querela Hen. Hog, accepimus, q'd cu' nos nup. volentes p' ministros n'ros de quod. certo vasto de solo n'ro in Chestre infra metas foreste nostre de Haia appruari vastu' illud eid. Hen. p' c'tas metas & bundas fossato includendu' & cultura', &c. dimisemerimus & id Hen. &c. incluserit. Rich. de Gylling, &c. ac quida alii malefac'ores & pacis n're p'turbatores non dignantes p' petico'e sua' nob. supplicare justicia. de g'v'aminib's sine occo'e appruamenti p'd'ci passi fuerint sibi p' nos p' ut moris est fieri, immo dominu' n'r'u' regiu', &c. fossatu' p'd'cam apud d'ca villa de Chestre, &c. vi & armis fregerunt, &c. & al enormia ei intulerunt, in ip'ius Hen. g'ave damp'um & n'ri contemptu' manifestu', ac *contra pacem n'ram*, &c. Assignavimus vos, &c. ad inquirend. &c. & ad, eosd. t'nsgressionem & contemptum audiend. & t'minand, sec'm legem, &c. In cuju- &c. Dat. Dun.

Ric. Dei gra. &c. dil'cis, &c. Tho. Surtays & al's. S. Ex g'vi qurela Joh'is pr. Dun. accepimus, q'd Will'us de Norton & al's, ac quidam alii malefac'ores & *pacis n're* p'turbatores lib'am warrennam ip'ius pr. apud Netherheworth vi & armis intraverunt & in ea sine lic. & voluntate sua fugaverunt & lepores cuniculos & pedices ceperunt & asportaverunt & in Nich'um, &c. S'vientem suum ibid. insultum fecerunt, &c. p' quod idem pr. usum s'vientis sui p'd'ci p' magnum tempus amisit, &c. Assignavimus vos, &c.

Et ideo vob. ma'damus q'd ad certos dies & loca quos vos, &c. ad hoc provideritis inquis. illam faciatis, &c. ut s'a salvis amerciame'tis.

Mandamus enim vid n'ro p'd'ce com. Dun. &c. sciri pot'it & inquiri. In cujus, &c. Dat Dun.

* *Constitu'co. Vicecom & Esc. Dunelm. & Sadberg.* Sched. 17. A'o xi.

[N. B. This is the oldest pat. of a sheriff and escheator on the chancery rolls.]

Ric. Dei gra. O'ib's ad quos p'sentes l'ræ p'ven'int S. Sciatis *q'd de avisamento consilii n'ri* ordinavimus & constituimus dilectu. nob. Willielmu' de Blaykeston vicecom. & e'caetore' n'rum in comitatib's Dun. & Sadb'g ac eid. Will'o officia p'd'ca com'isimus exequenda, p'ut de jure, & sc'd'm legem & co'suetudinem regni Angliæ, & *n're regie lib'tatis* exequi debent, totis temp'ib's retroactis exequi consueverunt. Ita t'ris q'd p'd'cus Will's de exitibus de officiis p'd'cis p'venientib's nob. r'ondeat, ut debebit. In cujus rei T. has l'ras n'ras fieri fecimus pat. qua'diu nob. placurit duraturas. Dat. Dun. p' manus Rob'ti de Calne clerici n'ri vigesimo sexto die Januarii anno pontificatus n'ri undecimo (A. D. 1344.)

Et mandatum est abbatib's priorib's baronib's militib's p'bis ho'ib's, ballivis ministris, & o'ib's fidelib's suis ac toti co'itati comitatuu' Dun. & Sadb'g, q'd eid. Will'o ta'q'm vicec. & esc. in com. p'd'cis pareant & attendant, co'sulentes sint & auxiliantes quoties opus fuerit, & p' p'd'cum Will'um p'muniti fuerint, seu requisiti ex p'te d'ni epi. Dat. ut supra.

Et ma'datu' est Will'o de Mordon nup. vic. Dun. & Sadb'g, q'd eid. Will'o de Blakeston rot'los com. p'd'cor. Presentaco'es indictamenta brevia, &c. per indenturam, &c. liberet indilate. Dat. &c.——Randal's MSS.

Turris London, ss. Record. Merchiar. whereby the metes and bounds of the river Tyne are described as then enjoyed; and the bishop of Durham then had the south part thereof, next his county palatine. Vide Recorda tempore Williel. Conquest. Regis.

Also the bishops of Durham have used and enjoyed a royal jurisdiction of admirality within the county palatinate, by their

ss. Charta Henrici primi regis Angliæ Ranulpho Flambard episc. Dunelm. de consuetudinib's in aquis S. Cuthberti de Tyna, quas Ranulphus episc. diraconavit adversus Northumbrenses in sua & baronum suorum præsentia. Charta, &c. capituli Dunelm.

ss. Charta Henrici secundi regis episc. Dunelm. de applicatione navium ex parte sua in Tyna tam libere, honorifice, & quiete, sicut rex habet ex altera parte.

ss. Charta Johannis regis Angliæ d'libertatibus eccles Dunelm. A. D. 1200, &c.

ss. Charta convention, inter Richardum Poore episc. & priorem & conventum Dunelm. d' custom & proficius navium in aqua d' Tees Spectante episc. nec non d' omnibus placitis coronæ & curiarum jurisdiction. Wreccis-maris, amerciamentis, & forfeitures felon, confirmed by Tho. Hatfield, b'p Rottul. (A) Tho. Hatfeld. episc. schac. 19 about anno 12 Hen. III. regis 1228. No. 28. Edw. III. regis. 1354.

ss. Proceedings in an eyre held by the bishop's justices of nusances in the south part of Tyne.——Spearman's Enquiry, &c. p. 7.

Pro e'po Dun. audiend. & terminand. transgressiones. Sched. 16. A'o XI.

Comiss. ad inquirend. de impediment. navium in aqua de Tyne.

R. Dei gra. &c. dil'cis &c. Joh'i pr. Dun. &c. S. sciatis q'd cu' metas aque de Tyne int. com. Northum. & n'ra com. Dun. existentes, videl't a filo aque p'd'ce v'sus austrum inf'a n'ra regiam lib'tat. Dun. existat, & gurgites in australi p'te ejusd. aque nimis excessive constructi, p' nos & ministros n'ros lib'tat. ejusd. minui & ad statu' debitum reduci debeant, nosq' & p'p'lus n'ridominii & lib'tat. n're p'd'ce carbones maritimos, marleram, petras, buscam maeremium ferru', blada victualia, & alia bona, & mercimonea quecu'q' de dominio & lib'tate p'd'cis p'venientia sive in eisd. empta de quibus custuma aliqua cuiq'm sc'd'm co'suetudinem r'ni Angl. p'standa non est de loco in locum inf'a lib'tat. n'ra p'd'cam sicut p' terram ducere & cariare debeamus, & piscatores tam n'ri qua' ho'i'um n'ror. Salmones & alios pisces in australi me'te aque p'd'ce captos ad villas n'ras m'catorias, & alibi inf'a lib'tatem n'ram p'd'cam lib'e cariare, & ibid. ad utilitat. rei publice n're lib'tat. p'd'ce pacifice vendere a te'pe quo non existit memoria, consueverint; ut est notum. Assignavimus vos, &c. vos p'fati Rog'e & Rog'e unu' esse volumus justiciar. n'ros ad inquirend, &c. qui malef'core & pacis n're perturbatores n'ra cu' Joh'e &c. qui ministri n'ri non sunt, gurgites n'ras in aust'li p'te aque p'd'ce ap'd Gatesheved, Quicham, & Ryton, vi et armis fregerunt & secuerunt & qui'q' naviculas n'ras cu'frume'to carbonib's m'itimis & al' p'videcii n'ris ap'd d'c'a villa' de Quickham cartatas & usq'd'c'a villa' de Gatesheved nup venientes, & ibid. ad disc'tand applicatus cep'unt & naviculas illas ilibi ext'a lib'tat n'ra p'd'cam ad discartand. con. volu'tat. n'ra & s'vientiu' n'ror, in eisd. existentiu dux'unt non p'mittentes nos n'c alique' de p'p'lo lib'tat. n're p'd'ce batellas seu naviculas, aliquas cu' bonis aut reb's quid'scunq' venalib's v'l non venalib's de quib' custuma aliqua non debetur in aqua in villis p'd'cis nec in Heworth sup' Tyna, Heberne Jarou seu Winestowe cartatas ad aliquem locorum p' aust'le costam aque p'd'c applicare nec disc'tare neq' piscatores n'ros aut ho'i'u' n'ram salmones & al. pisces in aqua in villis p'd'cis captos ad villas n'ras m'catorias n'c alibi in f'a lib'tat. n'r p'd'cam cariare, n'c ibid. in auxiliu' suste'taco'is n're & p'p'li lib'tat. n're p'd'ce ve' dere, n'c vendico'i exponere immo nos & que'cunq' ejusd. lib'tat. n're quascu'q' re p' batellas & naviculas & p' aquam in villis p'd'cis usq' ad aliquem locum d'ce lib'ta n're cariantes easd. batellas & naviculas alibi ext'a lib'tat. n'ra p'd'ca ad disc'tand applicare, dico'sq' piscatores salmones & al' pisces in villis p'd'cis ut p'dicitur, capto silit alibi ext'a eand. lib'tatem n'ram ad vendend. cariare de die in diem vi armata, &c & con'a pacem n'ram, &c. & ad transgressiones p'd'cas audiend. & t'minand. sc'd'm lege' & consuetudine' r'ni Angliæ & n're regie lib'tat.

Et ideo vob. ma'damus q'd ad certos dies & loca, quos septem, &c. v'r'm quor alt'um vos p'fati Roge, &c. ad hoc p'videritis inquis. illam faciatis & transgressione p'd'cas, &c. salvis omnib's amerciamentis.

Mandamas enim vic. n'ro p'd'ci com. Dun. q'd ad c'tos dies & loca quos vos, &c ei scire fac. venire fa. cor. vob. &c. tot. & tales p'bos & leg'les ho'i'es de balli'a su

commissions and patents appointing commissioners, a vice-admiral and other officers, consistent with that privilege; and have

p' quos rei v'itas in p'missis melius sciri pot'it & inquiri. In cujus, &c. Dat. Dun. ——Randal's MSS.

De offic. capital. Pincerne. Gaugete & Utnarie com'issis. Sched. 19. A'o X.

R. Dei gra. Ep. Dun. o'ib's, &c. S. sciatis q'd co'stituimus dil'c'm nob. Joh'em de Nesbyt, burgense' de Hertilpole capitale' pincerna' n'r'm capiendo ad opus n'r'm in portu ville de Hertilpole prisas n'ras nob. de vinis in portu' p'd'cam adductis & adducendis ab antiquo debitas. Co'cessimus etia' eid. Joh'i offici u ' augete dolior vini in portu p'd'co, & sil'iter officiu' ulnarie pannor. de p'tib's transmarinis in portu' p'd'c m seu alibi in lib'tat. n'ra regiam adductor. seu adducendor. p'cipiendo inde feoda debet & co'sueta. Ita t'n q'd p'd'cus Joh'es semel quolibet a'o nob. rondeat ad s'c'm n'r'u Dun. de o'ni eo q'd ad nos p'tinet r'oe officior. p'd'cor. In cujus rei test, &c. Patentes Dat. Dun. &c. 22d Aug. 1343.——Randal's MSS.

ss. Inquisitio d' medietate aquæ de Tyne pro episcopo Dunelm.

ss. K. Edw. III. by his writ (bearing teste at York) on the bishop of Durham's behalf (then Ric. de Bury) prohibits the mayor and the bailiffs of the town of Newcastle upon Tyne from hindering the applying of ships on the south of the river Tyne, belonging to the bishop.—Vid. 20 Aug. A'o 8. Edw. III. 1334.

ss. The king's commissioners, appointed conservators of the river Tyne, were prosecuted before the bishop of Durham's justices (appointed by the bishop's commission) for intermeddling in the conservatorship of the south part of the said river, belonging to the bishop, wherein the king's commissioners pleaded not guilty; but, upon trial thereof, they were found guilty, and condemned to imprisonment.—Vide Turr. Lond. A'o 18. Edw. III. 1334.

And the king, by his own writ of supersedeas to the bishop's exigent against others of the king's commissioners that did not appear, in order to outlawry, promised to reform their abuses for the future.

ss. The bishop's claim and plea allowed in the king's exchequer for the customs of wool within his royal liberty.——Spearman's Enq. p. 7, 9.

Soldiers arrayed, &c. ss. By Anthony Bek, in the times of K. Edw. I. and K. Edw. II.

By Richard Kellow, bishop, in the time of K. Edw. II.

By Richard Bury, bishop, 17 Edw. III. 1343.—Spearman's Enq. p. 11.

De hominibus arraiand. juxta statutu' Wyntonie. Sched. 13. A'o X.

Ric'us Dei gra. &c. Henrico de Langeton & al's. s. Quia p' certo intelliximus q'd Scoti inimici n'ri regnu' Angliæ, & dominiu' & p'tatem n'ram in p'oximo ingredi hostiliter & invadere p'ponunt. Volentes cor. malicie qua'tus potimus obviare assignavimus vos, &c. ad arraiand & triand. oi'es ho'i'es potentes defensabiles in warda de Stockton infra etatem quindecim et sexaginta annor. existentes et in warda p'd'ca com'orantes, ita q'd singli eor. juxta statu' suum et sc'd'm forma' statuti dudu' apud Wyntoniam editi sint bene muniti et armati, et etia' q'd prompti sint et parati quociens ex p'te n'ra fuerint præmuniti ad p'ficiscend. una cu' aliis fidelib's n'r's contra inimicos n'ros s'a d'cos ad cor. maliciam cu' Dei adjutorio reprimend. Ita ideo vob. ma'damus, firmiter injungentes q'd om'i excusaco'e cessante, p'missa o'ia et singla faciàtis diligent. et expleatis in forma p'dica. Damus aute. vob. &c. tenore p'sentiu' p'tatem arestandi oc's illos, quos in p'missis rebelles in veneritis seu remissos, et eos prisone n're com'ittendi, in ead. moraturos, quosq. de eisd. alit. dux'imus ordinand. Mandamus enim. vicecom. n'ror Dun. et Sadberg. q'd eos illos, quos ex causa p'd'ca p' vos, &c. ei liberari contigerit, a vob. &c. recipiat, et in prisona n'ra salvo custodiri faciat in forma p'd'ca. Intenco'is tamen n'ræ non existit, q'd op'arij et alii paup'es qui ex laborib's manuu' suar. sustentantur p'textu hujus commissionis n're vob. f'cte inquietentur, molestentur in aliquo seu graventur. In cujus rei, &c. h'as l'ras n'ras Pat. &c. Dat. Dun.

taken the profits arising thereby, as count palatine, as the king does in other parts of his realm. By the commission referred to

Consimiles Com'issiones he'nt subscripti v'lt.

Simon de Esh & al's.	In warda de Esyngton.
John de Hurworth & al's	——— de westward Sadberg.
John de Lumley Mil & al's.	——— de eastward Sadb'g.
John de Hetheworth & al's	——— de Cestre.
Rob. de Bowes & al's.	——— de Derlynton.

Preceptum Vicecom. Dun. & Sadb'g. Sched 13. A° x°.

R. Dei gra. &c. Vic. Dun. & Sadb'g S. Cu. p' eo q'd datu' est nob. intelligi, q'd Scoti, &c. (ut sup'a) assignaverimus dil'cos n'r's Hen. de Langeton, &c. in warda de Stockton, &c. &c ad araiand. & triand. &c. p'ut in l'ris n'ris pat. inde co'fectis plenius continetur. Tibi p'cipimus, q'd o'es illos quos ex causa p'd'ca p' ip'os, araiatores & triatores, &c. si'g'lis wardis modo p'd'cis assign' tibi lib'ari contigerit ab eisd. araiatorib's, & triatorib's, &c. p'ut in wardis s'a d'cis assignantur recipias, & in prisona n'ra salvo custodiri facias quosq' aliud a nob. inde h'ueris in mandatis. Dat. ut sup'a.

Denariis pro Treuga eum Scotis habenda concessis. Sched. c. 13. A° x°.

Ric'us Dei gra. &c. Joh'i Randolf & al's S. Cu. p' bono pacis sive treuge cu' Scotis inimicis n'ris usq' ad fin. Pentecostes p'xime futur. he'nd. de co'i consilio & unanimi consensu totius co'itatis domini & lib'tatis n're regie Dun. & Sadb'g co'cessu' sit solvere eisd. C. & sexaginta libras, &c. sub pæna duplifi, &c. Quequide' C. & sexaginta libræ necnon & octo libræ tresdecim solidi & quatuor denarii p' expensis nuncior, &c. de eadem co'itate p' co'em consensum ejusd. p'ut antiquitus fieri co'suevit, p'porciantur & assidentur levand. videlicet de westwarda wapentachii de Sadb'g sexdecim libræ, &c. Nos co'cessionem et assessionem p'd'cas volentes debite execu- co'i demandari, assignavimus vos, &c. ad o'es villos et hamletta in d'c'a warda de Derlyngton portionaliter si'e p'ticulariter usq' ad sum'as eand. warda de Derlyngton ut p'mittitur co'tingentes jux'a discreco'es v'ras, et p'ut alias fieri co'suevit taxand et assidend. et ad sum'as illas districo'ib's et aliis viis et modis quib's poteritis levand. et colligend. ita q'd d'cos, &c. he'atis ad scacc' n'rum Dun. citra diem, &c. sub periculo q'd incumbit ibidem liberand. Et vob. ma'damus firmiter injungentes, &c. faciatis et expleatis in forma p'd'ca. Et ut hæc levatio et collectio eo citius ac celerius fiat. Damus vob. &c. tenore p'sentium potestatem o'es illos, qui districco'es quas p' vos aut v'ros p'misso occ'one fieri contigerit. recusserunt, aut averia quæcunq' p' vos aut v'ros d'ca occ'one impetrata frangendo parcum, abduxerunt, attachiandi, arestandi et eos prisone n're com'ittendi in ead. moratur. quosq' aliud de eisd. dux'imus ordinand. Mandamus enim vic. n'ro Dun. et Sadb'g q'd vob. &c. in p'missis o'ib's et si'g'lis faciend. et explend. cosulens sit et auxilians pareat et intendat, quociens opus fuerit, et p'ut ei scire feceritis ex p'te n'ra, quodq' hu'mo'i attachiatos et arrestatos a vob. &c. recipiat et in prisona n'ra salvo custodiri faciat in for'a sup'a d'a. In cujus rei T. has l'ras n'ras fieri fecimus patentes. Dat. Dun. 20 Feb. 1342.

Com'issiones co'siles he'nt s'bscripti in wardis s'bscriptis.

John de Lumley mil. et al's in eastw. Sadb'g	
John de Hurworth et al's	in westw. Sadb'g
John de Hetheworth et al's	in warda Cestrie.
John de Meneville et al's.	———de Esyngton
Hen. de Langeton et al's.	———de Stockton

Et mandatu' vic. Dun. et Sadb'g q'd taxatorib's et collectorib's p'd'cis conj'm et di'm p'ut in wardis s'a d'cis assignantur in p'missis o'ibus et sig'lis faciend. et explend. co'sulens sit et auxilians, parcat et intendat quociens opus fuerit, et p'ut iid. taxatores et collectores modo p'd'co assignati eid. Vic. scire fecerint ex p'te ip'ius D'ni e'pi q'dq'idem vic. hu'mo'i attachiatos et arrestatos a p'fat. taxatorib's et collectorib's recipiat, et in prisona ip'ius D'ni e'pi salvo custodiri faciat in forma' s'a d'ca. Dat. ut sup'a.

De Navibus arestand. Sched. 18. A° xii°.

R. Dei gra. &c. dil'cis &c. Reginaldo de Donyngton, cl. et Joh'i de Nesbyt de Hertilpol. s. Quia p' c'to intelleximus q'd excellentissimus princeps de D'n's Edw. R. Ang. ex

in the notes, it is observable, that the trade of this country consisted in sea-coal (the ancient name for coals sent by shipping) marl, stones, wood and timber, iron, corn, victuals, &c.

c'tis causis defe'sione' et com'odu' r'ni A. ta'gentib's volens navigiu' r'ni sui promptu' h'ere et paratu' assignavit c'tos fideles suos locum tenentes nobilis viri Rob'ti de Ufford com Suffolcie admiralli flote naviu', ab ore Thamis v'sus p'tes boriales ad faciend. o'ia et sig'la que ad officiu' admiralli p'tinent infra c'tos portus boriales necnon ad o'es naves magnas et parvas, flunos et bargeas et alia vasa p' t'nsitu maris apta in cisd. portib's sine dil'one arestand. et simplici eskippamento et dimidio muniri ac duos et magistras navium, flunor. beargear, et alior, vasor. hu'mo'i que'l'b videl't. ad p'ficiscend. in p'prio vase una cu' marinariis ad hoc co'petentib's in obsequiu' ip'ius D'ni regis compelli, et ad eade' naves flunos bargeas et vasa sic bene et sufficient. inventa arraiare et ad c'tos portus venire et co'gregari faciend. Nos navigiu' lib'tatis n're regie volentes p' defensione r'ni et lib'tat p'd'cor parari ad profiscend. in obsequiu' ip'ius D'ni reg. ut p'd'c'm est, assignavimus vos ad o'es naves magnas et p'vas flunos et bargeas et al vasa p' tr'nsitu meris apta tam in portu villæ de Hertilpol, q'm alibi in costera maris ripis fluviis et al. aquis et locis quibusq' inf. libtat. n'ra p'd'cam existen. tam p' vos quam p' deputat v'ros in hac parte si'c dil'one arrestand. et siplici eskippamento et dimidio muniri ac duos et mag'ros naviu' flunor. bargear. et alior vesorn' h'mo'i que'l't videl'tad p'fiscend in p'ro vaso una cu' marinariis ad hoc co'petentibus in obsequiu' ip'ius D'ni regis viis et modis quib's meliu expedire videritis co'pelli et ad eadem naves flunos bargeos et alia vasa, sic bene, et sufficienter muniter arraiari, et ad certos portus, p'ut vobis p'fate Reginalde t'm p' ip'u' d'nu. regem, q'm p' nos plenius est nuntiatu' venire et co'gregari faciend. et o'ia et sig'la, &c. It ideo vob. mandamus, &c. Mandamus enim Ballisis et probis ho'ib's ville de Hertilpol, &c. auxillentes, &c. In cujus rei T. has l'ras n'ras fierifecimus patentes, &c. Dat. Dun. 1. Apr. 1345.

Ad seizend manerium de Hart et villa de Hartlepoole.——Sched. 15. A°. xi°.

Ric'us Dei gra. ep. Dun. Will'o de Mordon esc. n'ro in co. Dun. et Sad. s. Quibusd. certis de causis vob. mandamus q'd statim visis p'sentib's capiatis in manu' n'ram man'ium de Hart ac villam de Hertilpol cu' o'ibus suis p'tin. et ea salvo custodiri faciatis donec aliud inde preceperimus, ita q'd de exitibus inde p'venientibus nob. respondeatis. Et sicut vos et vestra erga nos indempnia conservari volueritis, nullatenus omittas. Dat. Dun. 19. May 1344.

Revocatio Literarum patentium p' Muragio.

R. Dei gra. &c. dil'cis, &c. Ballivis et p'bis ho'ib's burgi Dun. salutem. Licet nup. p' l'ras n'ras patentes vob. co'cessimus q'd p' certu' te'pris no'du' p'titu capere'tis de reb's venalib's ad villa' p'd'cam venientib's c' tu' muragiu' in auxilium ville p'd'ce claudente, quibusd. tr. c'tis de causis co'cessionem n'ra p'd'cam j'a duximus o'ino revocand. Et ideo vob. mandamus q'd h'mo'i a modo non capiatis, nec alique' ea occ'one de cet'o molestari aut in quietari faciatis quovis modo sub p'ic'lo quod incumbit. Dat. Dun. 13. Apr. 1345.——Randal's MSS.

Pro E'po Dun. de indempnitate.——Rym. tom. v. p. 295.

A. D. 1342. 15 K. Edw. III.

Rex omnibus ad quos, &c. salutem.

Sciatis quod cu' venerab. Pater R. Dunolm. e'pus in instanti profectione n'ra versus partes Scotiæ, nobis gratanter concesserit invenire, in auxilium Guerræ n'ræ ibidem, viginti ho'i'es ad arma et totidem sagittarios equites, ad custus ip'ius e'pi p'prios usq. ad fest. purificationis B. Mariæ virginis p'ximo futur, sup' ead Guerra moraturos.

Nos volentes indempnitati ip'ius e'pi, ne ipse aut successores sui de hum'o'i onere, inviniendo contra lib'tate dicti e'pus in debite onerentur.

Et ne eadem libertas (eo quod ministri hospitii n'ri, transeundo in comitiva n'ra versus partes prædictis, officia sua infra e'patum pred. et lib'tatem ejusd. exercuerunt, lædatur aut aliquiliter violetur p'videre,

Volumus et concedimus q'd id q'd dict. ep. sic extr. mera liberulitate sua in presenti necessitate n'ra concessit, aut id q'd dict. ministri n'ri sic ratione officioru' suo-

The bishops of Durham had also the royal duty of butlerage of wines, and ulnage of cloths within the ports and other places of this county palatine, and appointed proper officers for the receipt of such duties, who accounted to their exchequer for the same; among those a guager is mentioned.

In pursuance and by virtue of the regal authority and jurisdiction of the said county palatine, anciently all land soldiers, and also all ships of war within the county, were arrayed, armed, and equipped, by virtue of the bishops' commissions, on receipt of the king's summons or mandate; they also issued precepts to levy money to answer any public exigency, as compositions for a truce, &c.

In this bishop's time, two whales and two sturgeons were cast up on the coasts of the manor of Hoveden, which were cut up and taken away by the populace; and as the same appertained to the bishop, the king issued his writs to enquire after and bring to justice the offenders.*

ru' infra e'patum pred. contra lib'tatem ejusd. transeuendo in comitiva n'ra versus easdem partes fecerunt, dict. e'po et successoribus suis non cedant in prejudicium aut dictæ libertatis læsionem nec non in consequentiam trahantur in futuru', aliter quam præteritis te'porib's fieri consuerit. In cujus, &c. Per breve de privato sigillo.

* *Pro Episcopo Dunolmensi super BALÆNIS & STURIONIBUS infra Dominium captis.*

Rex dilectis et fidelibus suis Richardo de Aldeburgh, Alexandro de Nevill, Willielmo Bassett, Thoma de Metham, et Thomæ de Fencotes, salutem.

Ex gravi querela, venerabilis patris, Richardi (Bury) episcopo Dunolmensis accepimus quod, cum nos nuper susceperimus in protectionem et defensionem nostram ipsum episcopum, homines, terras, res, redditus et omnes possessiones suas, omnibus & singulis inhibentes ne quis eis, in personis, aut rebus suis injuriam, molestiam, dampnum inferrit aut gravamen.

Indemque episcopus habeat, et habere debeat, ipseque et prædecessores sui quondam episcopi locì prædicti, a tempore quo non extat memoria, habere consueverint *wreccum maris infra dominium manerii sui de Hoveden, tam de piscibus regalibus quam de aliis rebus quibuscumque ad terram ibidem projectis.*

Quidem malefactoress et pacis nostræ perturbatores. *Duo Cetæ & duos Sturiones,* pretii trium milium librarum, ad terram infra dominium ipsius episcopi prædictum, *per maris intemperiem projecta, quæ ad prædictum episcopum tanquam wreccum suum pertinere debent,* dum idem episcopus in diversis obsequiis nostris, tam in transmarinis quam cismarinis partibus, et sub protectione nostra prædicta fuit, vi et armis ceperunt et asportaverunt, et alia enormia ei intulerunt ad grave dampnum ipsius episcopi et contra protectionem nostram prædictam ac contra pacem nostram.

Et quia transgressiones prædictas, si taliter perpetratæ, fuerint, relinquere nolumus impunitas; assignavimus vos, quatuor, tres et duos vestrum (quorum vos præfate *Willielmi* unum esse volumus) justiciarios nostros ad inquirendum per sacramentum proborum et legalium hominum de comitata Eborum, per quos rei veritas melius sciri poterit, de nominibus malefactorum prædictorum, qui transgressiones prædictas perpetrarunt, et de transgressionibus illis plenius veritatem; et ad easdem transgressiones audiendum et terminandum secundum legem et consuetudinem regni nostri Angliæ:

Et ideo vobis mandamus quod ad certos dies, &c. quos, &c. quorum, &c. ad hoc provideritis, inquisitionem illam faciatis, et transgressiones prædictas audiatis et terminetis in forma prædicta facturi, &c. salvis, &c. Mandavimus enim vicecomiti nostro

The bishops of Durham anciently granted their commissions, out of their chancery at Durham, to their commissioners under their own seal, as well for the conservatorship of all the rivers within the said county palatine, as for preserving the fry of salmon and other fish, and for sewers, &c. and to limit and abate yares, and other erections in the rivers, &c. *salvis episc. omnibus amerciamentis, &c.**

Bishop Bury. in obedience to the king's mandate, issued his precept, to prevent the importation of bulls, or other papal instruments, prejudicial to the king and the state; and for arresting certain provisors intruded on ecclesiastical benefices by the authority of the See of Rome, and bearing such injurious instruments from thence.†

The bishops of Durham constantly granted licence to purchase in mortmain.‡

comitatus prædicti, quod ad certos, &c. quorum, &c. ei scire faciatis, venire faciat coram vobis, &c. tot, &c. per quos, &c. & inquiri.

In cujus rei testimonium, &c. Teste rege apud Westmonasterium *vicesimo* die Maii, 1343.——Rymer's Fœdera, vol. v. p. 368. Pat. 17. Edw. III. p. 1. m. 16. dorso. A. D. 1343.

☞ A like writ was issued in the time of Bishop Kirkham.

* S's commissio Richardi Bury episc. ad inquirend d'impedimentis navium in aqua d'Tyne——Spearman's Enquiry, p. 27.

† *De deferentibus L'ras Bullas, instrumenta, &c.*——Sched. 19. A° x°.

Ric. Dei gra. ep. Dun. vic. Dun. et Sadb'g. S. mandatu' d'ni n'ri reg. in hec verba recipimus. Edw. D. gra. &c. ven'ab. in xto. patri Ri'co ead. gra ep. Dun. S. mandamus vob. q'd in sig'lis locis tam. sup'a costeram maris, q'm alibi inf'a lib'tat. v'ram Dunolm. publice p'clamari et ex p'te n'ra firmit. inhiberi fac. ne quis cujuscu'q. status seu condico'is fu'it sub g'vi forisfact'a n'ra inf'a regnu' n'r'm Anglie deferat l'ras Bullas Instrumenta seu processus aliqua nob aut p'p'lo n'ro p'judiciala, &c. quod in lesionem corone et dignitat. n're regie aliqualit cedere valeat, archie'pis, &c. et corpora hu'mo'i deferentum in prisonis v'ris, &c.

Et ideo tibi p'cipimus q'd p'clamaco'em et inhibico'em et scrutiniu' pred'ca in ballia v'ra ubi expedire videris, &c.

Et sil't. vic. Norham.

De Provisioribus capiendis.——Sched. 15. A° xi°.

Ric. D. gra. ep. Dun. vic. Dun. et Sadb'g S. mandatum D'ni n'ri regis recipimus in hec verba. Edw. Dei gra, &c.

Et ideo tibi d'cipimus q'd ma'datu' istud regium jux'a vim formam et eff'c'um ejusd. diligentur exequi facias et taliter te h'eas in execuco'e p'missor, ne p'tui tepeditatem aut negligentiam idem d'nus rex ad querelam alicujus materiam h'eat, quod absit, ad nos graviter capiendi. Dat. Dun. 1 Mar. 1343.——Randal's MSS.

Pro Priore & Conventu' Dun.——Sched. 18. A° xii°.

‡ Ric. D. gra. &c. Sciatis q'd cu' p' l'ras n'ras patentes co'cesserimus et lic. dederimus p' nob. et succ. n'ris epis. Dun. q'ntu' in nob est d'l'cis nob. in x° pri. et con. Dun. q'd ip'i viginti libratas t'rar. ten. et reddituu't'm de feodo suo p'prio q'm alieno, except. ter. ten. et redditib's que de nob. tene'tur in cap. adquirere possint, he'nd et tenend. si et succ. suis imp'p'm statuto de terris et ten. ad manu' mortua' non portend. edito n'o obstante, p'ut in hi's, &c. nos volentes co'sessionem n'ram p'd'cam eff'u' debito manciperari, co'cessimus et lic. dedimus p'nob. et succ. n'ris p'd'cis q'ntu' in nob. est. Walto Smyth de Monketon q'd ip'e viginti acre. t're, &c. sibi et succ. suis p'd'cis imp'p'm sicut p'd'c'm est tenore presentium sili'ter lic. dedimus spi'alem, statuto p'd'co non obstante. Nolentes q'd p'd'ci Walterus, &c. v'l heredes sui aut p'fati

As to this prelate's character, he was not only one of the most learned men of his time, but also a very great patron and encourager of learning. He frequently corresponded with Petrarch, and had for his chaplains Thomas Bradwardin and Richard Fitz-Ralph, afterwards archbishops, the first of Canterbury, the second of Armagh; Richard Bintworth, soon after bishop of London, and Walter Seagrave, of Chichester, and also Walter Burley, I. Maundit, Robert Holcot, and R. Killington, doctors of divinity, the most eminent men in that age. His custom was to have some of his attendants read to him whilst he was at meals, and when they were over, to discourse with his chaplains upon the same subject. He was likewise of a very bountiful and charitable temper; every week he made eight quarters of wheat into bread, and gave it to the poor. Whenever he travelled between Durham and Newcastle, he distributed eight pounds sterling in alms; between Durham and Stockton, five pounds; between Durham and Auckland, five marks; and between Durham and Middleham, five pounds.* But the noblest instance of his generosity and munificence was the public library he founded at Oxford, for the use of the students. This library he furnished with the best collection of books that was then in England; fixed it in the place where Durham, now Trinity College, was afterwards built; and wrote a treatise, containing rules for the management of the library, how the books were to be preserved, and upon what condition lent out to scholars.† He

prior et conventus, seu succ. sui ro'ne statuti p'd'ci p' nos vel successores n'ros inde occ'onentur in aliquo seu graventur. Salvis tamen capitali'b's d'nis feodi illius servicius inde debitus et consuetis. In cujus rei test. has l'ras n'ras fieri fecimus patentes. Dat. &c.——Randal's MSS.

* W. de Chambre.—Ang. Sac. p. 766.—Biog. Brit. v. i. p. 370.

† This book he intitled *Philobiblos*, from whence he came to be called himself *Philobiblos*, a lover of books; and very justly, if, as he says himself in the preface to it, his love of them was so violent, that it put him in a kind of rapture, and made him neglect all his other affairs. He finished it at Auckland, 24th of January, 1344-5 being just sixty-three years of age, which appears from a memorandum at the end of the copy in the Cottonian library, *inter Codices MSS nondum in loculis repositos, IV. 3.* It was printed at Spires in 1483, at Paris by Badius Ascencius in 1500, by the learned Thomas James at Oxford in 1599, 4to. and at Leipsic in 1674, at the end of *Philologicarum Epistolarum Centuria una, ex bibliotheca Melch. Haminsfeldii.* It is also in manuscript, not only in the Cottonian library, as appears by the margin, but also in the Royal, and other libraries at Oxford and Cambridge, &c. The book is written in very indifferent Latin, and a declamatory stile: It is divided into twenty chapters. In the I. he praises wisdom, and books in which it is contained. II. That books are to be preferred to riches and pleasure. III. That they ought to be always bought. IV. How much good arises from books, and that they are misused only by ignorant people. V. That good monks write books, but the bad ones are otherwise employed. VI. The praise of the ancient begging friars, with a reproof of the modern ones. VII. He bewails the loss of books by fire and wars. VIII. He shews what fine opportunities he had of collecting books whilst he was chancellor and treasurer, as well

appointed five keepers, to whom he granted yearly salaries.*

He affected much to retain in his family the sons of gentlemen of the province, and he cultivated with great attention the friendship of men of fortune in his bishopric. The members of the convent he held in the highest veneration: It is said, as he sat one day at table in York, with seven earls, one Mr John Vaughan suddenly came in upon them, with the news of Robert Graystanes' death; which affected the bishop so much, that he could not bear to look upon the messenger: When the company enquired of him why the intelligence gave him so much emotion, "Certain am I," said he, "if you had known this man's merit

as during his embassies. IX. That the ancients out-did the moderns in hard studying. X. That learning is by degrees arrived to perfection, and that he had procured a Greek and Hebrew Grammar. XI. That the law and law-books are not properly learning. XII. The usefulness and necessity of Grammar. XIII. An apology for poetry, and the usefulness of it. XIV. Who ought to love books. XV. The manifold advantages of learning. XVI. Of writing new books, and mending the old. XVII. Of using books well, and how to place them. XVIII. An answer to his calumniators. XIX. Upon what conditions books are to be lent to strangers. XX. Conclusion. Besides this Philobiblos, our author wrote *Epistolarum Familiarium Librum unum*. Some of these letters are to Petrarch, with whom he kept a correspondence, and who had desired his opinion about the Thule of the ancients. He also composed *Orationes ad Principes*, in one book. Some think it it was not Aungervyle, but his chaplain R. Holcot, who wrote the Philobiblos. Notes to Biog. Brit.

* At the dissolution of religious houses in Henry VIII.'s reign, Durham college being dissolved among the rest, some of the books of this valuable collection were removed to the public library, some to Baliol college, and some came into the hands of Dr George Owen, a physician at Godstow, who bought the said college of king Edward VI.——Ibid.

This bishop is said to have alone possessed more books than all the bishops of England together. Besides the fixed libraries which he had formed in his several palaces, the floor of his common apartment was so covered with books, that those who entered into it could not with due reverence approach his person. He kept binders, illuminators, and writers in his palaces. Petrarch calls him *Virum ardentes ingenii*. He founded a library at Oxford, and it is remarkable, that in his Philobiblion (which, according to Mr T. Warton, was finished in 1343) he should apologise for admitting the poets into his collection; *quare non negleximus fabulos poetarum*. But he is more complaisant to the prejudices of his age, where he says, that the laity are unworthy to be admitted to any commerce with books: *Laici omnium librorum communione sunt indigni*. He prefers books of the liberal arts to treatises of law. He laments that good literature had entirely ceased in the university of Paris. He admits *Panfletos exiguos* into his library. He employed *Stationarios* and *Librarios*, not only in England, but in France, Italy, and Germany. He regrets the total ignorance of the Greek language; but adds, that he has provided for the students of his library both Greek and Hebrew Grammars. He calls Paris *the Paradise of the world*, and says, that he purchased there a variety of invaluable volumes in all sciences, which yet were neglected and perishing. While he was chancellor and treasurer of England, instead of the usual presents and new-year's gifts appendant to his office, he chose to receive those perquisites in books. By the favour of Edw. III. he gained access to the libraries of the most capital monasteries; where he shook off the dust from volumes preserved in chests and presses which had not been opened for many ages.——See Warton's Hist. Poetry, vol. i. p. 120.—Biog. Brit. vol. i. p. 372.

as well as I do, you would have lamented his death equally with me;" and added, "he was fitter for a prelacy than I, or any one I know who enjoys that dignity in the church."

This worthy person having thus employed himself in works of charity and munificence, died at the Manor of Auckland, 24th April, 1345, and was buried in the south part of the cross aile of the cathedral church of Durham.*

Mr Noble says, "None of our authors, who have treated on "English money, have given any coins that can be supposed to "belong to this bishop; though it is certain that the king granted "him patents for coining pennies, both in 1344 and 1345:† As "he received those grants so late, it is very probable that he "never did coin any money, and his being so much taken up "with the temporal concerns of the state the greatest part of his "time, rather confirms the opinion."

* The See vacant——Ra. de Neville, guardian. He oc. 25th Nov. 1333, and Jan. 6th, 1335. He is called late guardian.——Gale's Richm. Append. p. 733.

Robert de Graystanes, monk of Durham.—Leave of election, 7th Oct. 1333; elected 15th Oct. 1333; consecrated 14th Nov. 1333; temporalities denied by the king.

Richard de Bury, bishop.——Provided by the pope 14th Oct. 1333; temporalities restored 7th Dec. 1333; consecrated 19th Dec. 1333; enthroned by proxy 10th Jan. 1333; enthroned in person 5th June 1334; died 14th April 1345.

Officers of the See during bishop Bury's time.

High Sheriffs.——Simon de Esh, a° 1333, oc. die Jovis 19th May 1334; again March 1339.
John de Meynevyle, oc. on Monday, morrow of Pentecost, 1339.
Will de Morden.
Will de Blakyston, appointed 26th Jan. 1343; again appointed by the king 9th May 1345.

Escheators.——Sim. de Esh, a° 1333.
Will. de Morden, oc. 24th Apr. 1343.
Will. de Blakyston, 26th Jan. 1343.
[The office of escheator was a service in ancient times of great account and trust, and wherein none but persons of noted worth and quality were employed.]

Temporal Chancellor.—Robert Calne, oc. 11th May 1334, Ro. Bury sch. 1; again 2d Aug. 1343, sch. 16; again 13th April 1345. He was rector of Dinsdale, 1332; exchanged his prebend of Norton for the rectory of Wyvlingham jux. Stow. Linc. Dioc. with John de Alon, 26th Jan. 1343.—Tanner's Bibl. p. 4.

Senescals.—Simon de Grimesby, 1333, oc. 12th Apr. 1336.
Simon de Grimesby, Tho. de Heppescotes and Rog. de Esh, justices, oc. July 1334, Sm. escaetor regis ult'a Trentam, oc. 20 Mar. escaetor Northumbriæ, a° 1308.
Tho. Surtays, 1337; again appointed 1342. Tho. Surtays senec. and Sim. Esh vic. oc. 21st. Jan 1338. Rot. Bury, sch. 5.——Randal's MSS.

† 1344—Pro episcopo Dunolm. de cuneis pro sterlingis.—Tanner's Notitia, p. 115. says, "Pro tribus cuneis pro sterlingis monetis regis fabricandi."
1345—Pro episcopo Dunolm. de cuneis liberandis.

A short vacancy took place in the See: The critical situation of public affairs induced the king to supply the important office of palatine with all possible expedition; and it was affected in a manner which reflected much dishonour on the sovereign. The exercise of papal authority over ecclesiastical benefices in England, had long been considered a great grievance to the state, and incompatible with the interests of a people rising rapidly in wealth and power, and making progressive advances to a perfect state of liberty. The council had repeatedly opposed such authority; the king had issued frequent mandates for repressing the instruments of the See of Rome; and several laws were enacted to extinguish the pope's jurisdiction over ecclesiastical preferments: Yet, notwithstanding, the king, to carry his wished-for appointment to the See of Durham, made a flagrant innovation of all those solemn acts of state, by applying to the pope in favour of his secretary and keeper of his privy seal,

THOMAS HATFIELD.

The pope, who had observed the conduct of the British senate with much concern, foreseeing that it would produce, in a series of years, a total exclusion of his supremacy in that powerful kingdom, received the king's application with much cordiality, cherishing an innovation which flattered the See with new vigour, and suspended the growth of that inimical authority which he had contemplated with much anxiety. He immediately fulfilled the king's request, and sent a provision for Hatfield.* It is not said that this measure of the sovereign occasioned any commotion in the council; the season was filled with complicated business, and affairs of the highest moment soon after ensued, to engage the energy and exertion of every member of the state. Walsingham says, this application was the greatest disgrace to the king, after provision had been made by the legislature to secure free elections. Many of the cardinals spoke very disrespectfully of Hatfield, as being a man of levity and laical manners: But the pope, from the motives before mentioned, being determined to grant the king his pleasure, replied, "truly, if the king of England had made interest for an ass, he should have been gratified." This does not give the reader the most favourable impression touching the prelate whose history he is advancing to: But Walsingham appears to write on this matter with rancour, and herefore gives less prejudice than a more temperate historian.

* Ang. Sac.

Chambrè doth not take the least notice of this transaction, but goes on to say, a day was appointed for electing a prelate by the convent, and, on the 8th day of May, 1345, Hatfield was chosen: He had confirmation on the first day of June, received restitution of the temporalities the succeeding day, was consecrated on the ninth day of July, and enthroned on Christmas-day next following, by John Fossour, the prior.*

* Bishop Hatfield was second son of Walter de Hatfeld, of Hatfeld, in Holderness, in the county of York, knight. Godwin takes very unbecoming liberties with this bishop, and says, that he was not only a mere layman, but a man of light behaviour; meaning that he did not demean himself as a clergyman ought to do, which words have been misconstrued by other writers, who supposed him a mere layman indeed; but he was not only a clergyman, but a man of spirit and a warrior. He was prebendary of the prebends of Oxgate in Middlesex *circa an.* 1320, and in 1332 was admitted to the rectory of Dibden in Essex, by the presentation of his relation and patron John de Bohun earl of Hereford, which he resigned in 1336. Had the bishop been a man of such light behaviour as Godwin pretends, K. Edward, who it is universally allowed was both a wise and good prince, would never have heaped so many and great honours upon him as hath been mentioned. He served Edward in his wars in France, and was at the taking of Calais. His retinue and quota in the field were very considerable, being 3 bannerets, 48 knights, 164 esquires, and 80 archers on horseback; and on his banner were displayed the paternal arms of his family, viz. ermine, a chevron sable, impaled with the See of Durham.——Collier's Ecc. Hist. vol. i. p. 572.—Brady, &c.

It appears that the archbishop of York, in this prelate's time, was renewing the ancient claim of the metropolitans visiting in this diocese: The following curious records totally extinguish the pretences to such a right, and are the strongest evidence of the palatine jurisdiction and *jura regalia*, by the ample admissions of the crown.

Mandatum Regium direct. Archie'po Ebor. ne visitare attemptet infra Dioces. Dunelmen. Reg. Hatfield, p. 90.

Edwardus D. g. &c. venerabili in Xto. patri Alexandro (Nevil) ead. gra. archie'po Ebor. Angl. primati salutem. Ad. n'ru. p'venit auditum quod vos calore quarundam literarum vobis a D'no summo pontifice transmissarum clerum et populum Dun. dioc. visitare et procurationes ab eodem et alia inaudita et insolita ibid. perpetrare intenditis, aliter quam a tempore cujus contrarii memoria non existit, fiere est consuetum quamquam *venerabilis pater e'pus Dun. comes palatinus existat, jurisdictionemq' temporalem in omnes et singulos subditos suos libertatis Dun. auctoritate regia habuerit; ipseq' et prædecessores sui e'pi Dun. Jurisdictionem hujusmodi in subditos suos, ejusdem libertatis a tempore prædicto semper hactenus tanquam personæ privilegiis regalibus insignitæ per ministros suos exercuerunt;* quod si fieret, non solum in enervationem privilegiorum eorundum ac lib'tatum gloriosi confessori S. Cuthb'te ecclieq' Dun. per progenitores nostros quondam reges Angliæ devotissime concessor. verum etiam in turbatione totius populi e'patus et dioc. Dun. et audaciam inimicorum nostrum marchiarum Scotiæ, eisdem episcopatui et diocesi vicinarum insurgendi, ac invasiones, ac alia facinora et incommoda nobis et populo nostro partium prædictar. faciendi tenderet manifeste, et alia damna graviora inde possent generari in futur. Nos qui pacem et tranquillitatem ubiq' in regno nostro confovere tenemur, talia tolerare nolentes, vobis districtius, quo poterimus. firmiter injungendo mandamus, quod aliqua quæ in enervatione libertatis et privilegiorum, seu turbatione populi vel audaciam seu solamen inimicorum prædictorum cedere valeant nullatenus attemptetis seu attemptari, vel fieri procuretis: Et si quid attemptatum vel factum fuerit in præmissis, id sine dilatione omnino revocari faciatis, scientis pro certo quod si secus feceritis, sic nec per vos nec per alium quemcunq' quavis auctoritate fieri contentamur, vos tanqua' literarum prædictarum impetratorem hujusmodiq' perturbationis et audaciæ occasionatorem ac contemptorem mandatorum et violatorem pacis nostrorum castigari volumus et

Notwithstanding Edward's threat, "that he would reduce Scotland to such destruction as should be remembered whilst the world endured,"* a truce took place for the term of two years. The Scots, whose politics seem in this æra to be calculated to amuse, without any degree of public faith, violated the articles of treaty, as soon as a favourable occasion offered. In the autumn of 1345, the French king instigated an irruption on the western borders, in hopes of diverting the progress of the English army, with which he was then sore pressed. The Scots entered Cumberland with a large force, under the command of Sir William Douglas, and laid in ashes the city of Carlisle and town of Penrith, with all the intermediate villages; but their progress was stopped by the English forces collected by the bishop of Carlisle, Sir Tho. Lucy and Sir Robert Ogle, who obliged them to retire precipitately into their own country.

The following year yielded more laurels to the crown of England than had been acquired by any sovereign, in any æra of its history. In the month of August was fought the memorable battle of Cressy, in which prince Edward, (called, from his armour the Black Prince) a youth in his 17th year, displayed such heroic intrepidity and military skill, as claimed the admiration of all Europe. The glorious victory of Cressy was almost immediately succeeded by the victory over the Scots, at the Redhills near Durham, vulgarly known by the title of *The battle of Nevil's*

puniri. Teste meipso apud Westm. decimo septimo die in Jul. a° regni nostri Angliæ quinquages, regni vero nostri Franciæ trices. septimo.

Randal's MSS.

Litera Regis Edwardi III. Archie'po Ebor. sub privat sigillo post dat. præcedentis mandati.

Reverent Piere en Dieu,

Nous avons entendu com'ent par colour d'ascuns lettres nostre Sainte Piere la pape a vous transmises estes en propos de visiter les clerge et people de la diocese de Duresme et de prende procuracies du dit clerge et extorquer diversis sommes de dernier du people avant dit, &c. combien que le dit evesq soit count palytin et eit d auctoritie roiale jurisdiction temporale en touz les subgez de la fraunchise de Duresme, et ses predecessours evesquez de Duresme eint usez de exercez par leur ministres tiel jurisdiction en touz leur subgiz de la dit fraunchise du temps sus dit, &c. En turbacion de toate le people de les eveschee, &c si com'e en noz lettres avons ent directes desous nostre grant seale est assez au plein contenu. Par quoique mesmes noz lettres vous avons expressement mandez que vous n'attemptez ne faire attempter procurer riens que purra tourner en enevacion des fraunchises et privileges on turbacion de people, &c. n'attemptez riens par vous, ne par autre en vostre noum contre l'effect et pourportz d'ycelles en aucune maner, sera peine de les chastiement et punicion, que ent furront suire, et come vous vuellez eschuire la gref indignacion de vous donner, &c. le vint primier jour de Juil.———Ibid.

In Rymer's Fœdera, vol. vii. p. 182, and Wilkin's Concilia, vol. iii. p. 124, also in Hatfield's Register, p. 129, we find an inhibition of K. Richard II. in the first year of his reign, 27th Dec. A. D. 1377, directed to archbishop Nevil, setting forth the mandate of K. Edw. III. and enforcing the like conduct.

* Barnes, p. 268.

Cross. The king of France had again used his interest with David king of Scotland to make a diversion in his favour, in order to draw the king of England's attention from the siege of Calais, which he had opened with an ardour that threatened its destruction; and for this purpose a large supply of men and money was immediately sent into Scotland. The king of England, jealous of some attempt of this nature, sent his commissioners to David, offering advantageous terms of compromise, part of which consisted of a proposed resignation of the town and castle of Berwick. The states of Scotland contended warmly for an acceptance of the terms; but David, fired with more ambitious views, and spirited up to war by the influence of France, the absence of the king, and the exhausted state of England, as to men, (Edward having carried abroad with him the flower of the English youth) he convened a parliament at Perth, and received their sanction for his projected invasion. He levied a large army, by most historians computed at 50,000 men, with which, in the beginning of October, he entered England by the western borders. The small tower of Liddel felt the first fury of his arms, where the brave garrison, on surrendering, were put to death with all the determined barbarity of inhuman savages. He made his way through Cumberland which smoked in ashes as he passed; and, by the south-west parts of Northumberland, approached the city of Durham, and encamped at Beaurepaire. Notwithstanding the panic with which the country was struck, at a period when the king was absent, with the generals of most experience, and the country stript of military men, the northern potentates raised an army with all possible expedition to oppose the invaders, whose conduct had proclaimed, that sacking, plundering, and every species of barbarity, were their determined purpose. The archbishop of York, the bishop of Durham, (who on this occasion displayed the provincial standard, the banner of St Cuthbert,) the bishops of Lincoln and Carlisle, the lords Neville, Percy, Hastings, Angus, Mowbray, and Roos, the titular king of Scotland (Edward Baliol,) Sir Tho. Rokesby, and the sheriff of Northumberland, at the head of an army of 16,000 men, obtained a complete victory on the 17th day of October, and took the king of Scotland prisoner, at the place before mentioned. Robert, high steward of Scotland, has been charged by several writers, with treachery on this occasion; as he and the earl of March, with their retainers, returned immediately to Scotland after the battle, with very little loss of men. The blow was a severe one to the Scots; they were deprived of their sovereign, and consequently thrown into intestine distraction; the chief body of their troops was cut off or taken prisoners, for the

loss of the field was horridly aggravated by the slaughter made by Baliol in the retrea: Pursuing the advantages he penetrated a great way into Scotland, and reduced several important places to the English arms.

The king of England received the intelligence of this victory before the walls of Calais. Copeland, to whom the king of Scotland surrendered himself prisoner, was summoned by the queen to resign him to her disposal, which he with intrepidity refused, having him safe in the castle of Ogle, of which he was then governor; alledging he would give up his charge to no one but the king of England. Notwithstanding the queen's displeasure at this denial, the king received Copeland with great cordiality, and granted him a reward suitable to the important service.*

After the surrender of Calais, a truce took place between England and France, in which Scotland, as an ally, was included; and, during that stay of hostilities, a treaty was entered into for the redemption of the captive king. Although the most dreadful plague raged that ever this island experienced, in defiance of the terms of the truce, many incursions, by plundering parties, harrassed the borders for a considerable time, till at length, in the progress of military movements by the Scots, the town of Berwick was surprised. The war had been renewed in France, where king Edward was in person: Having received information of the loss of that important place, he instantly embarked for England, and arrived at Durham on the 23d day of December, A. D. 1356; from thence he issued a summons to all the military tenants of the realm to attend him on the first day of January at Newcastle; from whence marching soon afterwards, he reduced Berwick. On his advancing into Scotland, Edward Baliol made a formal surrender of his crown and king-

* A. D. 1347, 21 Edw. III. Syll. 34. Pro Johanne de Coupeland in recompensatione servicii in capiendo David de Bruys regis Scotiæ de concessionibus ... ... } N° 86

1348, 22 Edw. III. syll. 34. Pro Johanne de Coupeland de concessione pro statu banneretti manutenendo } 99

Syllabus, &c. capitula actorum reg. Edw. III. vol. vii. Rymer.

1353, 27 Edw. III. syll. 37. De libertatibus episcopatus Dunolmensis 46

1355, 29 Edw. III. syll. 37. Pro e'po Dunol. de jurisdictione brevia sigillandi 69

Ibid. vol. viii. Rymer.

1375, 49 Edw. III. syll. 43. Pro priori et conventu Dunolm. de exemplificatione 125

Ibid. vol. ix. Rymer.

1378, 1 Rich. II. syll. 45. Pro Johanne domino de Nevil de custodia Castri de Bamburgh commissa et nomine marchionis decoretur ... ... } 41

Ibid. vol. i. Rymer.

dom to him at Roxburgh, by delivering the diadem and some of the soil of the land, as was the practice of those times. The several instruments made on this occasion are witnessed by the bishop of Durham, who attended the king on this expedition. The following year was rendered glorious in the annals of Edward's reign, by the signal victory obtained by the Black Prince at Poictiers, in which the king of France was taken prisoner. It was not until the month of October in this year that the treaty was concluded with Scotland, for the redemption of king David: In the commission for this important negociation the bishop of Durham was joined with the bishop of Carlisle, and the lords Neville, Scroop, and Musgrave.

The king of Scotland did not enjoy the restitution of his liberty for any considerable time; he departed this life in the month of February, 1371, and having no issue, by virtue of the settlement of the crown made by Robert Brus, his nephew, Robert was his successor, the first of the royal line of Stuarts.

The disturbances on the borders, in the remaining part of Edward's reign, were not momentous enough to claim a place here. The progressive misfortunes which befel the English court, shed their influence over the whole state, and for a considerable space of time a melancholy dispiritedness and dismay locked up the active powers of the subject. As if Providence had decreed to dash the most exalted human glory with the greatest bitterness, this illustrious monarch, towards the conclusion of his life, suffered some of the heaviest afflictions human existence could be conceived to sustain. He lost the affectionate partner of his throne in the year 1369, with whom he had lived for near 42 years in a state of the greatest harmony and conjugal felicity. He was deprived of the heroic prince his son, who departed this life in the 46th year of his age, when he had acquired the highest reputation for his valour, his wisdom, temperance, and virtue, leaving a son, the apparent heir of the crown, an infant of tender years. The king saw the territories he had won by his victorious sword snatched from his empire by the silent hand of unpropituous Providence; for what he gained by unremitting warfare and heroic deeds, were imperceptibly, as it were, lost without a struggle in any wise similar to those arduous labours by which they were purchased. A strange depravity had seized the whole nation; an unbridled debauchery every-where prevailed; the women, deserting the precious characteristic of modesty, that chief ornament of the sex, seemed to glory in the loss of their virtue, and and became ostentatious of the most disgraceful conduct: Nothing was more common than to see them riding in troops to the tournaments, in masculine habits, and even military accoutrements.

The vices of men were in all ages incitements to female misconduct; the vices of women were from the beginning the strongest expression of the depravity of men. The fair sex, studious to gain the affections of men, will assume the fashions which best effect their purpose; and at this time the excesses were enormous, scandalous, and disgraceful to human nature: The terrors of a plague could not repress them, though it raged to that horrible degree, that in one burial ground only, within the limits of London, 50,000 were interred, who died of that dreadful visitation. The king was seized with the prevailing vices of the times; he forgot the years he had experienced in the chaste endearments of a virtuous queen, who had brought him twelve children; he fell into a degree of dotage amidst the imbecilities of age, forgot all martial spirit, and resigned himself to the disgraceful dalliances of an harlot, to whom he yielded the last dregs of love the poor remnant of life retained: He squandered the public treasures, to amuse her depraved mind, with all the luxury, and all the diversions the age could produce; the money appropriated by the state for the payment of public debts was embezzled, and thrown away in shows and tournaments, to entertain this concubine, whom he called *The Lady of the Sun*, and on all public occasions exhibited, seated by him in a splendid chariot, followed by a train of female equerries, each leading a besotted knight by his horse's bridle, whilst his afflicted people deeply mourned the depravity and fallen glory of their sovereign. The prince of Wales lived to see this disgraceful change in the royal character; he used his influence to correct the enormities he abhorred, and to remove the obnoxious courtiers who, with their poisonous adulation, held the king in the fetters of folly: But death snatched him from the troubled scene, to bestow ineffable rewards for his exalted virtues. Confusion soon succeeded; an insurrection of the citizens took place, to repress by violence the influence of those dangerous ministers the king had recalled after the prince of Wales's death. These alarms hurried on the approaching fate of Edward; he had already experienced many calamities, and the rebellion of his subjects was not the last he was to be afflicted with: He lived to see himself deserted by all the world, even in the approaching hour of death he called in vain for the assistance of his flying domestics; and when life's last moments were suspended in the hand of fate, the woman who had seduced him from his honour robbed his apartments, stripped the rings from his hands, and left him in the distressful instant of agony and dismay. He died in the 65th year of his age, and 51st of his reign, A. D. 1377. The excellent qualities he displayed in

the vigour of life and fulness of judgment, the benevolence of mind, the honour and virtue which he exhibited in every private as well as public capacity, render the picture of such ruins the more melancholy.

Richard the Second, son of the Black Prince, on his accession to the throne of England, was only eleven years of age: During the remaining four years of our prelate's life, he does not appear in any public commission of distinguished trust.

It has been said by some, that the only ecclesiastical preferments he enjoyed, before his appointment to the episcopacy, were the prebends of York and Lincoln.* Fuller† says, he had not any episcopal qualification; yet it may well be conceived, from the high estimation he was held in by his sovereign, who at that time bestowed his favours on characters of merit, that, notwithstanding his clerical abilities were not of the first eminence he was a man of those excellencies necessary to fill this See, so important to the state in its palatinate jurisdiction.‡ He is described as possessing a noble principle, though rather tenacious: His person was venerable, tall, and grey-headed; he was portly in his gait and carriage, was hospitable and courteous, and charitable to the poor. He did not molest his monks or provincials with any oppressive principles, or disturb them in their rights or possessions: He lived in great familiarity with the members of the convent, delighting much in their society; and under his government the church and his people enjoyed great tranquillity. A disagreeable reflection strikes the mind on reading the following sentence, in Chambre: *Honorificos viros diligens habere, et non pueros; equos pro vectura, non equuolos.* Had not an enormous vice contaminated the private character of ecclesiastics in that age, there would have been no necessity for the historian, an ecclesiastic, to have noticed this matter as a cause of praise in the life of our bishop; or, if some of his predecessors had not been suspected of the enormity, he would not have had this singular eulogium on his character.§ He made several munificent gifts to the church, and in his time it received two of the greatest ornaments now standing therein: The exquisite work which decorates the high altar was given by John Neville, and erected in the year 1380; and the throne for the prelates was erected by this bishop, under the arch of which he prepared his own tomb, and gave lands near Auckland, called Enknoll, for the maintenance of a priest to say mass there. He

* W. de Chambre.—Angl. Sac. fo. 770.—Also vide notes, p. 366.

† Ch. Hist. l. 4, p. 116.

‡ This prelate was of a martial character, for in the year 1346 he had the command of a body of troops in Normandy.——Noble, p. 27.

§ W. de Chambre.—Angl. Sac. fo. 771.

restored many parts of the castle of Durham, which from their antiquity and neglect, were in want of repair: He built a-new the Bishops-hall, and also the Constables-hall, with offices and other necessary apartments thereto. The city of Durham, though placed on so strong a situation, and defended with a wall, he still further fortified by building a tower to the castle. He erected a sumptuous palace in the Strand, London, (now the Adelphi buildings) for the residence of himself and successors whilst astending parliament, or in their services at court, which he devised by will accordingly. He rebuilt or repaired many other edifices belonging this See. Chambrè says, he founded the college in Oxford called Durham college, (now Trinity) for eight monks of the See of Durham, and eight scholars, and endowed it with an ample revenue for the support of the monks and students; but this appears to be an error, not only from what has preceded in this work, but from the authority after mentioned: Tanner, indeed, has fallen into this mistake;* but notwithstanding his great credit, the reader will recollect, that, in the year 1290, prior Hoton, with the aid of the convent of Durham, first instituted a house at Oxford for eight Benedictine monks, and dedicated the same to St Cuthbert.† Anthony Wood says,‡ bishop Bury finished this college, and bishop Hatfield enlarged the endowment, and made it permanent, appointing the eight monks to be chosen out of Durham priory, by the prior and convent, the senior of them to be *custos*, where they were to study philosophy and divinity. The eight students were called *Scholares seculares*, and to study grammar and philosophy; to be chosen, four out of the diocese of Durham, two out of Allertonshire, and two out of Hovedenshire;§ and, Stevens says,‖ for making more fit and convenient buildings there, he paid 4,000 marks for the use of the college, to William Walworth mayor of London, John Philpot citizen, and Threder and Berryngton monks of Durham, to lay out the money in purchase. He is said to be the founder of the friary at Northallerton, for Carmelites; it is certain he was a great benefactor thereto.

As to the coinage of this province, Mr Noble says, "None of "our authors, who have treated on English money, have given "any coins that can be supposed to belong to this bishop; though "it is certain that the king granted him patents for coining pen-"nies, both in the year 1344 and 1345.¶ As he received these

* P. 184. † Dugdale's Hist. Ch. Durham, p. 76. ‡ Vol. ii. p. 48.
§ Steven's Monasticon, vol. i. p. 541. ‖ Ibid.
¶ In the sixth volume of Rymer's Fœdera, manuscript copy, in the Cotton library,

" grants so late, it is very probable that he might never coin any " money, and his being so much taken up with the temporal " concerns of the state, the greatest part of his episcopate, rather " confirms this opinion. Bishop Hatfield distinguished his " money by the same modest device his predecessor Kellow had " used; however, their coins are easily known from each other " by the spelling of the king's name in the epigraphe of the " obverse, which upon the former bishop's is EDWA, ED- " WAR, or EDWARD; upon those of this prelate the name " is always EDWARDUS, (which, Snelling says, was the most " usual method of putting the king's name upon the pennies, " though some of them read only EDWAR, or EDWARD) " and more particularly by the weight, which is the safer way " of determining them; for Edward III. in the ninth year of his " reign, 1353, reduced the penny to eighteen grains, which was " several years before our prelate was elected: from these cir- " cumstances we are enabled to fix the pennies in the plate to " this bishop. Upon the obverse of one is this epigraphe, ED- " WARDUS REX ANG. Z. with a coronet (the mint-mark, " which in this reign first began to be used) upon the reverse: " It reads, CIVITAS DUREME; others read, EDWARDUS " REX ANGLI. Z. F. with an amulet under the king's bust, " and have a cross-patee for the mint-mark. The legend upon " the reverse is the same as on that before given. The second " has this legend on the obverse, EDWARDUS REX AN- " GLIE, with a cross-patee for the mint-mark. The reverse " reads, CIVITAS DUNELMIE. Probably there are others " of this bishop's money, that vary some little from either of " these types. We have no money coined in the city of Durham, " either by Richard II. or by any of the bishops of this See, " during his reign; the reason of which it is difficult, at this " distance of time, to ascertain."

The acts of jurisdiction by this bishop, preserved in the records of the county, are various: In 1345, by letters patent, he appointed Wm de Mordon sheriff and escheator for Durham and Sadberge, with the usual precepts of aid, and to Wm de Blakes-

(but not in the printed volumes) are the three following patents for coining money at Durham.

1344, 18 Edw. III. Syllabus index 32 pro (Richard Bury) episcopo Dunolm. de cuneis pro sterlingis, n° 93. Tanner (Notitia, p. 113) says, pro tribus cuneis pro sterlingis monetis regis fabricandi.

1345, 19 Edw. III. Syllabus index 33 pro (ibid.) episcopo Dunolm. de cuneis liberandis, n° 102.

1345, De cuneis (electo Thomas Hatfield) episcopo Dunelm. liberandis, n° 136. ——The author (Mr Noble) had these patents searched for, but without success.

ton the outgoing sheriff, &c. to deliver up records.* In the year 1346, on the death of Robert Manners, he appointed Thomas Grey, for life, constable of Norham castle, and all his lands in Ealandshire and Norham, with the offices of sheriff, escheator, and chief justiciary in the county of Norham.† In the following year he granted to Wm de la Pole, free warren in the isle, Bradbury, Chilton, Preston upon Skerne, Foxdon, Fishburn, and Bolam.‡ In the year 1348, the bishop, by his writ of privy seal, appointed a keeper of the park of Gateshead;‖ and in the same year, there is a record of his mandate for levying, on the inhabitants of the county, a sum of 400 marks, with the consent of the nobles, headmen, and all the commonalty of his royal liberty of Durham, in compensation of the great expence he had sustained in his military preparations for the defence of the pala-

* *Rot. A. Hatfield. Sched.* 1, N° 5, *indorso.*

Tho. electus e'pus Dun. o'ib's, &c. Sciatis quod constituimus dilectum nobis W. de Mordon vic. & esc. nostrum in co. Dun. & Sadb'g & eid. W. officia p'd'ca com'isimus exequend. juxta lege & consuetudine in hostra regia libertate hactenus optent. & approbata ita tamen quod id. W. de exitibus inderovenien. nob. ro'ndeat ut est moris. In cujus, &c. Pat. quamdiu nob. placuerit duraturas. Dat. Dun. &c.

Et m. est abb'iq's &c. & o'ib's &c. de co. Dun. et Sadb'g, quod p'd'co W. &c. pareant & intendant consulentes sint & auxiliantes, quociens, &c.

Et m. est. W. de Blaykeston, &c. Randal's MSS.

In the same year he commissioned justices of pleas of the crown, for the same liberties, (ibid. N° 6 indorso) and also by letters patent appointed Robert Manners constable of the castle of Norham, and also sheriff and escheator of that shire.

Rot. A Hatfield. Sch. 1, N° 2 *indorso.*

Tho. &c. Sciatis quod constituimus dilectum nobis Rob. de Manners constabularium castri nostri de Norham necnon vic. & escaetor in co. Norham, &c. In cujus, &c. quamdiu nob. placuerit duraturas, &c.—Ibid.

† *Ibid. Sch.* 2 No 3. *indorso:*

Tho. &c. Sciatis, &c. dedimus & concessimus eid. Tho pro nob. & succ. nostris quantum in nob. est custodiam castri nostri de Norham, necnon & omnium terrar, & ten. t'm in Ealandshire quam in Norhamshire cum suis pertin. que ad dictum castrum p'tinent quovis modo cum officio vic. & escaet. & justiciar nostrum capital. in co. Norham, &c.——Ibid.

In the same year he appointed Tho. de Metham senescal of the manors of Hoveden and Crake, with a yearly stipend of twenty marks.

‡ *Rot. A. Hatfield. Sch.* 2, N° 20, *indorso.*

Concessio liber. Warrenn. in Insula, &c. Will'o de la Pole.

Tho. &c. Archiepis. epis. abbatibus, &c. omnibus ad quos, &c. sciatis nos &c. concessisse, &c. dilecto, &c. Will'o de la Pole quod ipse & hered. sui imp'p'm habeant liberam warrennam in omnibus dominicis terris suis de insula, &c. dum tamen terre ille non sint infra metas foreste nostre, ita quod nullas intret terras illas ad fugand. in eis vel ad aliquid capiend. quod ad warrennam p'tinet sine lic. & voluntate ipsius Will'i vel hered. suor. super forisfactura nostra decem librarum, &c. July 22, 1347 ——Ibid.

‖ *Rot. A. Hatfield, Sch.* 4, N° 7. *indorso.*

Tho. &c. concessit dil sibi Rog'o de Tickhill offic. custodiend. parcum suum de Gateshead He'nd cum omnibus ad offic. illud. spectan. ad totam vitam suam p'cipiend. quolibet die unum denar. & unum obulum in offic. illo pro vadiis consuetis. In cujus, &c.——Ibid.

tinate.* There is a particularity in this worthy attention; for here the reader will observe a species of parliamentary grant not before specified or precedented: This instrument issues with the assent of a collective legislative body of the whole community, in the like order as the established estates of the kingdom, and in the same language as the king's mandates issued with the specified assent of parliament, *Cum magnates proceres & tota communitas regie libertat. nostre Dun.* In the life of bishop Bury has been noted a record of process for levying money for a truce with Scotland, which truce is expressed therein to be *De communi concilio & unanimi consensu totius communitatis dominii & libertatis nostre regie Dun. & Sadberg. consensum sit solvere eid.* CLXl. but this was not so singular, as a truce might be the consequence of popular consent on the sheriff's call of the county.† In 1354 the king issued his mandate to his admiral in the north seas, to grant the bishop three ships from the ports of Tyne or Hartlepool, properly equipped and manned, to convey him to parliament.‡

* *Rot. A. Hatfield, Sch.* 4, N° 9, *indorso.*

Tho. &c. dilectis sibi Rob. de Brackenbury & aliis si cum magnates, proceres & tota communitas regie libertat. nostre Dun. pro magnis laboribus & variis expensis quos ergo dom. reg. Anglie illustrem pro dicta libertate illesa observanda pluries apposuimus, nob. q'dringentas marcas gratanter consesserint, & per petitionem suam nob. supplicav'int, ut certes fideles ad summam p'd'cam taxand. velimus facere & assignare, assignavimus vos, &c. in warda de Derlyngton, &c. [In the form of an instrument noted in bishop Bury's time.] 9th May, 1348.

Co'similes com'issiones h'ent subscripti infra sup'a scripta, viz.

Joh'e Bille & al's in warda Cestre, &c Easington, Stockton, east and west wards of Sadbgerg.—Ibid.

ss. The said bishop Hatfield's acquittance for the said 400 marks, by him received by the hands of John Fossour the prior of Durham, dated the 22d July anno 4, dicti episc. anno d. 1349. Vol. ii. Cartuar. Decani & Capituli Dunelm. fo. 122.——Spearman's Enq. p. 15.

The same bishop granted the like commission to levy a subsidy for the king in Norhamshire. *Rat. B. Hatfield, Sch.* 17, N° 4.——Ib. p. 16.

In the year 1348, the bishop, by letters patent, appointed coroners of the ward of Earington.

Tho. e'pus concessit dilect. Joh'i Boner offic. coronatoris warda de Esyngton habend. com omnibus ad illud offic. spectan. ad totam vitam ipsius Joh. p'cipiend. in offic. illo feod. consueta. In cuj. Pat. &c, per literam de priv. sig. *Rot. A. Hatfield. Sch.* 4, N° 6, *indorso.*——Randal's MSS.

In 1353, we have an inspeximus of the convention made between the bishop of Durham in 1230 and the convent, touching their liberties, with a ratification thereof. *Rot. A. Hatfield, Sch.* 9, N° 1.——Ibid.

In 1350, we find an inquisition *ad quod damnum* on the alienation of lands in mortmain.——Copyhold Books, A. p. 277. Ibid.

† Vid. Bury, p. 358, notes.

‡ De navibus e'po Dunolm. liberandis.—Rymer's Fœdera, tom. v. p. 778. A. D. 1354, 28 Edw. III.

Admirallo flotæ nostræ naviu' versus partes boreales vel Joh'i de Hadon, ad naves p' obsequio nostro in eisdem partibus arrestandas assignatis vel eorum deputatis sal. Mandamus vobis quod ven. patri Tho. e'po Dunolm. qui ad parliamentum nostrum apud West. in proximo tenendu. de mandato nostro est venturus, tres naves sufficientes. de navibus parvos vel aliquem vestrum arestatis in portu de Novo Castro sup'

In 1374, we find a subsidy had been granted out of this palatinate, by way of aid for the charges of the war, together with the rest of the realm; on which the bishop issued his commissions for levying the same, as well in Durham and Sadberge, as Norham: The king thought fit in his wisdom to issue his letters patent for the indemnity of the bishop and his people, that the same might not become a prejudicial precedent for future times. It is observable, that the same language, in the preamble of the royal writ, is used, as in that of the bishop of Durham, noted in the year 1348: *Sciatis quod cum magnates proceres & tota communitus regni nostri Angliæ*, &c. In 1377 the king granted an inhibition against the archbishop of York's visitations and extortions within the See of Durham; and in the same year the bishop

Tynam vel de Hertilpole, aut alibi ubi eid. e'po placuerit pro victualib's ipsius e'pi usq. Londonia ducendis, sine dilatione aliqua liberari faciatis. T. rege, &c.

A. D. 1345, 19 Edw. III. De fidelitate electi Tho's Hatfield epis. Dun. recipienda.——Ibid. 452.

1346, 20 Edw. III. De Scotis propre Dunelmum expugnatus & de tractatu' cum Johannis de Insulis ineundo.——Ibid. 530.

De inquirendo super prisonibus de Guerra apud Dunelm.——Ibid. 532.

1347, 21 Edw. III. De salvo custodiendo prisones apud Dunelmum captos.—Ibid. 547.

De pensione pro eo qui primitus nova rege detulit de victoria Dunolmensi.——Ibid 553.

Super expensis prisonum Scotiæ apud bellum Dunolmense.——Ibid. 599.

De denariis solvendis pro expensis apud d°——Ibid. 599.

1354, 28 Edw. III. De navibus, &c. ut sup. 778.

1358, 33 Edw. III. Pro Tho. Hatfield ep. Dun. contra ep'm Chrysopolitanesm.——Ibid. vol. vi. p. 79.

1369, 43 Edw. III. De hominibus contra hostium incursus parandis.—Ibid. p. 614.

1370, 44 Edw. III. Pro episcopo Dunolmensi ex causa mutui.—Ibid. p. 614.

1371, 45 Edw. III. Pro episcopo Dunolmensi super Clevancia.——Ibid. p. 692.

1372, 46 Edw. III. De navibus arrestandis in comitatu Dunolmensi.—Ibid. p. 708.

De morando sup. marchiis Scotiæ e'po Dunelmensi mandatum.——Ib. p. 708.

Eidem episcopo super mora prædicta.—Ibid. p. 714.

Advocationes ecclesiarum de Stayndrop & Branspath rege castelle sibi datis pro comitatu Richmondiæ.——Ibid. p. 730.

De terris prædictis liberandis.——Ibid. p. 732.

1374, 48 Edw. III. Pro hominibus de episcopatu Dunolmensi de exonerando——Ib. vol. vii. p. 49.

1376, 50 Edw. III. Pro Tho. Hatfield e'po Dunolmensi de non procedendo de passagio aquæ de Twedii.——Ibid. p. 125.

1377, 1 Rich. II. Pro Tho. Hatfield e'po Dunelmensi contra attemptata per archie'pum Eborum——Ibid. p. 182.

1380, 4 Rich. II. Pro Aganitho, archdecon of Durham.——Ibid. 276.

granted a toll on certain merchandise brought to Durham to defray the charges of paving and repairing the walls of the city.*

* In the year 1355 the bishop, under his privy seal, appointed a forester for Chester. *Rot. A. Hatfield*, N° 5, *indorso.*——Randal's MSS.

In 1366 he granted to John de Ogle and others, free warren in Hardwick, Sheraton, and Nesbit. *Rot. A. Hatfield, Sch.* 14, N° 4.——Ibid.

In 1370 a commission issued to enquire after certain lands appropriated to the repair of Shincliff bridge. *Rot. A. Hatfield, Sch.* 1. N° 4, *indorso* ——Ibid.

In 1372 a commission issued to enquire after the wages of labourers, and put in force the statute. *Rot B. Hatfield, Sch.* 7, N° 1.——Ibid.

And in the same year we find a record of the bishop's, wrote to liberate a clerk, who was acquitted of a charge of murder. *Rot. B. Hatfield, Sch,* 9, N° 2.——Ibid.

In 1373 the bishop granted lands in Auckland for an hermitage. *Rot. B. Sch.* 9, *indorso.*——Ibid.

And that year we have the record of a return to an enquiry touching aliens that enjoyed ecclesiastical benefices within the See, to the following effect.

11*th Dec.* 1377, *Fox's Matyrs, vol.* 1, *p.* 489. *Reg. Hatfield, p.* 129.

Jacob de Ursinis, cardinal of Rome, was in possession of the archdeaconry of Durham, value 200 marks. Dominus Roger de Ripon held, *fructus tanquam firmarius seu constitutus cujusdem,* of Peter Ruspii of Lombardy, procurator, *seu firmarii principalis cardinalis supru dicti.*

Master cardinal Gibbon is in possession of the parish church of Weremouth, value 200 marks.

The monastery of S. Sixtus, in the city of Rome, have in the church of Bambrough, Northumberland, 23*£.* 6s. 8d. payable by the prior and convent of St Oswald's of Nostel, in the diocese of York. Dated at Hoveden 16th Jan. 1377, 33 of the consecration.

Concessio pro pavimento et muragio civitatis Dunelm. *Rot. B. Hatfield, Sch.* 2, N° 4.

Tho. Dei gra. ep. D. Burgensibus et al. probis ho'ib's in civitate n'ra Dun. &c. Nov'itis nos. vob. in auxilium civitat. n're p'd'ce claude'de et pavime'tu' in ead. rep'and et faciend. &c. capiatis de rebus venalib'sad eand. civitat. veniend videl't de quol't sumagio bladi aut brasei venali cujuscu'q' generis sit unu' obulu' argenti. de quol't doleo vini, &c. de quoit't sacco lanc. &c. de quol't equo equa bove et vacca, &c. de quol't coreo equi, equæ, bovis et vaccæ fristo aut salito aut tan'ato', &c. de qual't lasta coreor, &c. de quinque baconibus, &c. de decem ovibus et capris, &c. de quinque porcis, &c. de dece' velleribus, &c. de qual't centena pelliu' lanitar. &c. de qual't centena pelliu' agnor. cuniculor. vulpiu' leporu' lator. et squirrellor, &c de qualt' centena grisi operis, &c. de quol't quart'io salis, &c. de quol't panno integro, &c. de qual't centena pannorum de worsted, &c. de quol't tapeto de worsted, qui vocat coverlit, &c. de qual't centena tele lince et canevas, &c. de quol't chies de sindone afforciat. &c. de qual't centena Millewelli saliti aut duri piscis marini, &c. de quol't salmone, &c. de quol't sum'agio salmon, &c. de quol't milliar. alec. &c. de quol't sum'agio cineru', &c. de quol't sum'agio de wadd, &c. de duob's milliar. allior. aut ceparu', &c. qual't duodena de cordwayn, &c. de qual't duodena de rasan, &c. de quol't pari molaru' aut rotar. &c. de quol't sum'agio plumbi, ferri, aut stagni, &c. de qual't petra uncti sepi butiri et casei, &c. de qual't carectata brussi aut bruere, &c de qual't carectata camisi, &c. de qual't centena cere, &c. de qual't centena pi'pis, &c. de qual't centena amigdol. &c. de qual't centena cumini, &c, de qual't centena de madyr. &c. de quol't milliar. cardonu', &c. de quol't sum'agio cu'batry, &c. de qual't caractata de batry sp'iali poltry et aliis m'cimoniis, &c. de quol't caractata fructuu' &c. de quol't sum'agio fructuu', &c. de quol't sum'agio m'ciu', &c. de quol't trussello cujuscu'q'm'cis venal. exceden. vigil'i s. in valores, &c. 6th Mar. 1377.——Rudd's and Randal's MSS.

This record is so far curious, that it shews all species of merchandise then exposed to sale at Durham.

He nominated this year a keeper of the park of Wolsingham *Rot. B. Hatfield Sch* 6, N° 3, *indorso.*—Ibid.———And he issued a commission to enquire of the trespasses committed at Stainton.

In 1378, by letters patent, he appointed Wm de Elmedon gaoler and porter of the castle of Durham, with certain profits annexed to that office, among which are fees for sealing the measures to be used in the city of Durham.* He granted, this year, to Ralph lord Neville, a market and fair at Staindrop.† In 1379 there appears to be an officer in appointment, not mentioned in any preceding record, a treasurer of the household. In 1380 is a record of commission to justices of assize;‡ a commission empowering the convent to exchange, with Belasis, Henknoll, near Auckland, for lands in Wolviston;‖ a power to purchase lands for the endowment of Durham college in Oxford;§ an institution of chaplains to do duty in the new manor house at London;¶ and a protection granted by letters patent to John de Billeston vicar of Norton, but for what cause is not specified.** In regard to royal fish, Spearman says,†† in this prelate's time, (37 Edw. III. 1363) John de Carow having through ignorance seized a royal

* *Carta Will'i de Elmeden de offic. gaolater et janitoris Castri Dunelm Rot. B. Hatfield, Sch. 4, N° 4.*

Tho. D. g. &c. Sciatis q'd p' bono g'tuito, &c. Will's de Elmeden, &c. dedimus et co'cessimus p' nob. et succ. n'r's epis. Dun. q'ntu' in nob. est eid. Will'o officia gaolator et janitor castri Dun. n'rs h'end et tenend. eid. W'o et assign. suis ad tota' vita' ip'ius p'cipiendo in offic. illis feoda et vadia subscripta videl t quol't anno de nob. et succ. n'ris una' robab et escam. p' servicio quol't die ad mensa co'stabulariis p'd'ci castri, et p' s'viente suo custodiente p'tam d'ci castri escam, cu' garconibus d'ci co'-scabularij p'cipiendo etia' proficias ingula de motis circa castru' p'd'c'm, necno' p' qual't mensurar. subscripturu' videl't bussel, dimid. bussell, peck, lagena potell, et quarta cu' co'tigerit illas sigillari, unu' den'ium. Co'cessimus etiam eid. Will'o q'di p'e p'cipiat de parco n'ro vocato le' bishop meadowe fenum sufficiens ad unu' equu' p' custodia ejusd. parci. Co'cessimus etia' eid. p'd'co W'o q'd ip'e he'at totu. fimum *(fumage, manure or dung)* infra i'd castru', et quibusl't duodecim. septimanis unu' quarteriu' fr'i *(frumenti)* et quol't a° quinq' s. p. s'viente suo compediente et de compediente prisones, et q'tuors. s. p. d'co s'viente suo custodiente p'tam castri p'd'ci, &c. In cujus, &c. pat. &c. 8th Oct. 1378.———Randal's MSS.

† Spearman's Enq. p. 19. Rot. B. Hatfield, Sch. 5, N° 1.

For this licence see Raby, vol. ii. of this work.

Rot. B. Hatfield, Sch. 4, N° 8. For this grant, See Staindrop, vol. ii.

Sched. 5, N° 2, indorso. See Staindrop, vol. ii.

‡ Rot. B. Hatfield, Sch. 8, N° 1.

‖ Rot. B. Hatfield, Sch. 2, N° 3. For this account, see St Andrew, Auckland, vol. ii. of this work.

§ Rot. B, Hatfield, Sch. 2. indorso.

Tho. &c. Concessimus licentiam, &c. adquirere, &c. h'end. et tenend, sibi et succ. suis in pura. et p'pepetua. eleemosinam ad manutend. et sustenand. octo mo'achos capellos et octo paup'es scholares in collegio n'ro Dun. apud Oxon p' nos de novo fundato, &c ——Randal's MSS. Vide Smith's Annals of Univ. Col. p. 375.

¶ Rot. B Hatfield, Sch. 8, N° 4.

** Tho. &c. Sciatis q'd suscepimus in p'tectionem et defensionem n'ram. dil'cu' cler n'rum Joh'n de Billeston vic'ium eccl'ie de Norton qui nobiscu' in hospicio n'ro p' preceptu' n'rum moratur ho'es terras res redditus et oc's possessiones suas et ideo vob's mandamus q'd ip'u Joh'em ho'es tenas res redditus o'es possessiones suas manuteneatis p'tegatis, &c Rot. B. Hatfield, Sch 3, indorso —Randal's MSS.

†† P. 20.

fish cast upon his lands there, and being questioned for it by his charter or deed, acknowledged his trespass, and that it belonged to the bishop, in right of his church of Durham, and agreed for 100 marks damage.* This author also says, "The bishops of "Durham likewise reserved and enjoyed the customs and profits "of ships and fish within the ports of the county palatine, and "anchorage, beaconage, and other such like profits and duties "accruing thereby.†"

Besides the beneficent works before mentioned, bishop Hatfield gave to the convent, at his death, the stock which he had in Weredale, estimated at 400 marks and upwards; his jewels and insignia, together with 300 marks in silver; a red vestment embroidered with figures in gold, besides many silver vessels and valuable ornaments: One article Chambre notes, among the things given to the convent, was, a thorn of the crown Christ wore during his passion, which the bishop had received as a precious relic by the gift of Edw. III. After a tedious illness, the bishop departed this life on the 8th day of May, 1381, at his manor of Aleford near London, in the 36th year of his episcopacy, and was buried with great funeral pomp, according to the directions in his will, in the tomb he had prepared for himself in the cathedral church of Durham, whereon is his effigy, and many coats of arms, but no inscription.‡ A dispute arose respecting the ceremonies of his funeral, the circumstances of which are now little interesting.§

* Rot. A Sch. 16, N° 1. For this deed see Seaton, C vol. ii. of this work.

† Registro 2. Decani et capituli Dunelm. 164. ss. Hugo epis. Dunelm. anno Hen II. regis 1154, per chartam suam d' Burgo d' Weremne (al's Wearmouth) fecit provisionem pro navibus ibidem negociant. reservando custumas piscium.

Compotum auditor episc et cancellar ejus de redditibus burgi et passagii transrivum per ferry-boat ibidem piscar ibidem et pro applicatione navium ibidem ac pro batellis et cymbis, annis 1 Hen II 19 Edw. III. 7 Hen. IV. 5 Hen. V. 36 Hen. VI. et 17, 18, 24 Hen. VII regis —p 23 et 24.

‡ In the herald's office, among Dugdale's MSS. notat. c. 41, there is a beautiful drawing of this tomb, and also an engraving thereof in the Antiquarian Repertory. Many authors have mistakenly adopted arms for this bishop which never were borne by him or any of the name, but have been painted upon his monument by some novice of a workman; for thereon it appears, that the cheveron is cut in relief upon the shield, but the lions are not, and that the arms of the Black Prince appear on the same monument cut in relief on the shield, and the painter has painted over the whole in order to deface it, and probably to please his own fancy, with the chevron, and three lions rampant argent. This circumstance puts it out of all manner of doubt, that the arms on the monument are most of them (if not every one) false.——See Antiquarian Repertory, vol. iv. p. 119.

§ The See vacant. John de Marton oc temporal chancellor, 9th May, 1345.
Tho. de Hatfield bishop. Elected 8th May 1345.
Confirmed 1st June 1345
Temporalities restored 2d June 1345
Consecrated 9th July 1345. E. Rot. Hatfield
Died 8th May 1381.

In this prelate's time the excellent prior Fossour died, and was succeeded by Robert de Walworth.

3 C 2

Officers of the See in the time of Bishop Hatfield

High sheriff and escheator,—Will. de Mordon, appointed the 1st Aug. 1345; oc. again on the feast of St Matthew, 21st Sept. 1350.

Rob. de Bowes,—oc. 29th Nov. 1350; again on the feast of St Peter, ad vinc. 1 Aug 1355.

Wm de Walworth,—oc on Monday after the feast of St Sam. 25th July 1356.

John de Byrland,—oc. on Monday before the feast of St Aug. the bishop, 26th May 1357; and again the 8th Aug 1357.

Will. de Claxton, chiv oc. 27 July 1360.

Will de Menevill, oc 18th June 1364; again 12th June 1370.

Rob. de Umframvill, chr. ap 10th Nov 1371.

John de Hyndeley, ap. 20th Jan 1376; oc. again 1379.

Will. de Bowes, ch ap. 1st Sept 1379.

Temporal Chancellors,—John de Wyndesore, cl. oc 1st Aug. 1345. Rot. A. Hatf. sch. 1, N° 5, indorso, oc. canc 6, Feb. 1345; again 25th March, 1346.

Rector de Wyckham, John de Pulhore, cler.—L. Grey.

John de Sculthorpe, oc 26th July 1346—Rector of Tarset 1331, which he resigned the same year, Hist. Norf. vol. iii p. 865 Oc persona de Misne 5th Jun. 1349. Rot A Hatf sch 4. Parson of Merlaw, dioc Linc. 1354, archd. of Chichester, 1356.

Will. de Westle, dec. de Auckland, oc 15th June 1349, ib. sch. 5, N° 6; again 10th Nov. 1357. ib sch 12, N° 1. Oc archd. of Durham, 15th Aug. 1362, and 6th March 1363.

John de Kingeston, cler. oc 27th Dec 1357, sch. 12, N° 1, indorso; again 11th Feb. 1357, sch. 12, No 2; again 4th Oct. 1370, sch 1, N° 1, indorso.—Rector of St Marg Moses in L pres 4th Feb. 1341, Newc vol. i. p 403; he exchanged it for Wynefeld dioc Sarum with Tho. de Chelmesford, 1342—Prior of Derby, 11th Sept. 1350—Parson of Merlaw, Linc dioc which he exchanged with J. de Sculthorp for Chester deanry, by king's licence, 26th Sept. 1354.

Rich'us de Castrobarnardi, oc. 1st Nov. 1370; oc. canc. 1375; the last time on the rolls, 20th Dec 1376;

Will. de Elmeden, oc canc 20th Jan 1376; again 24th Ap. 1381.

Constables of the castle,—John de Pulhore, al's Pulhour; as also receiver-general: He founded a chantry in honour of St Thomas in All-saints church, Newcastle—Parson of Wickham, oc. 13th Jan 1346. Rot. A. Hatfield, sch 1, oc. 8th Aug 1348.

Will. de Westley, oc in F. SS. Fab. & Sebast. 1351. Copyhold Books.

John de Kingeston, was also receiver-general 1360, oc. 18th July 1368.

Will de Elmeden, 1377.

Attorney-general,—John de Elvet.

Senescals,—Tho. de Metham, oc. 22d July 1347. Rot A. sch N° 20, indorso.

D'n's Tho. Gray, oc. 14th Jul 1348, the first time. Copyh. B. p 2, 22d Sept. 1349, and 12th Nov. 1356; again in 1357, the last time. Ib. p. 172.

Will. de Basyngham, cl. loco sen. 1356. Cop B. A.—[N. B. The Copyhold Books from 17th Hatfield, 1361, and all of Fordham are lost]

Will. de Westle, oc. 1357, the first time; again 25th Dec. 1360 Last Cop Book, p. 175, 267.

Alanus de Shotlyngdon, al's Shotelyngton cl. 1360; again 28th Feb. 1372, the last time. 2d Rot. B. Hatf. sch. 11.

The king's licence for electing a prelate was so expeditiously obtained, that the 29th day of May was appointed for the congress in chapter for that purpose; when by Chambrè's account, there was a very crouded assembly of electors; and it was determined, for the more speedy dispatch of the business, to proceed by thirteen compromisers, chosen out of the body. So great a difficulty arose in the choice of a proper person to fill this important See, that after sitting several days, the select members requested six persons more might be added to their committee; and this party, on Thursday next after the festival of St Augustine 1381, elected

JOHN FORDHAM,

then prebendary of York and Lincoln, and secretary to the king: Chambre adds, that this nomination was proclaimed in the chapter-house, and afterwards in the church to the assembled populace, where he was unanimously approved: No historian, before this instance, hath mentioned a procedure of this kind. Notwithstanding the above account given by my author, it is certain, that a provisionary bull was obtained from the pope, on the 9th day of September 1381, but by what interest uncertain; though, from Fordham's attachment to the king, it is probable it was had by that influence. He did homage, and received restitution of the temporalities, on the 23d of October 1381, and was consecrated in the chapel at Lambeth by the bishop of Oxford, the bishops of Rochester and Bangor assisting at the ceremony, on the 5th of January 1381; he made profession on the 18th of August 1382; and on the morrow of St Matthew the apostle, was solemnly enthroned at Durham.*

A revisal of the innumerable errors and improprieties of the reign of king Richard II. in which this prelate was an active minister, is painful to the historian: Certain it is, bishop Fordham was one of those in whom, during the king's minority, he placed a chief confidence, and to whose evil councils many of the misfortunes of that part of the reign are attributed.

The followers of Wickliff's religious principles now gained a powerful head, being espoused by the king's uncle the duke of Lancaster; but whether from motives of piety, or the political

Adam de Irland, 1373, sed 9

Hugo de Westwyk, cl. oc. 20th Jan 1376. Rot. B. Hatf. sch. 12; again 1st Feb. 1377.

Joh Heron, sen mil. oc. 18th Jan. 1379. Rot. 2 B. Hatf sch 3, indorso.

John Maundour, cl. oc cancellarius f domesticus cano, i. e. secretarius, 23d May 1378 Reg. Hatf ——Randal's MSS

* W. de Chambre.—Ang. Sac p. 774.

principal of restraining the influence of the See of Rome, is not easy to determine: Those who were enemies to the sectary and his followers, attempted to brand them with a charge of encouraging and abetting Wat Tyler's insurrection; a rebellion more ridiculous in its circumstances, and worse supported, than occurs in the annals of any country, noted in history: The charge appears still more futile, when it is considered that the duke of Lancaster was then on the northern borders, and incapable of abetting the project: Yet he did not escape the malice of the king's wicked counsellors, who assiduously spread a report, that he had prepared to march at the head of a Scottish army, to attempt his nephew's deposition.

Amidst the corruptions of this age, is an instance of singular integrity in the lord chancellor Scrope, who refused to put the great seal to one of those imprudent donations, this prince was so notorious for lavishly bestowing on his flatterers. He protested against the grant as indiscreet and puerile, reverting to his authority from parliament, from whence he was entrusted with the seals; and that, not being an officer of the sovereign, but of the state, he had a right to check the youthful sallies of a prince, who misapplied his gifts, and lavished them on men notoriously enemies to the constitution.

The king, who acted only by the springs of impetuous passions, and the influence of those who abused his youth and weakness by the most pernicious counsels, granted a power to the bishops to persecute the new sectaries, and imprison them, as their prejudices or wrath might lead; which brought on a new series of tumults and distresses. He wrested the great seal from his chancellor, and put it, with his own hands, to many of his injurious patents. These, and other stretches of prerogative and arbitrary power, greatly alarmed the state, and encreased the detestation which universally prevailed with the people against the court cabal.

In the year 1383, the Scots, taking advantage of the broils in which England was embarrassed, invaded the northern counties; and the duke of Lancaster, in retaliation, carried fire and sword to the gates of Edinburgh. In the negociation of the truce which succeeded, bishop Fordham was in commission. On the duke's return from the north, new accusations of treasonable devices were brought against him, and new engines employed, to carry on the detestable machinations of those who sought to remove him, and be delivered from an eye of judgment, which was held over their wretched practices. The king consented to have his uncle accused; and judge Tresilion, a man so infamous in his office that it is to be hoped few have resembled him, made offers to second the project for his destruction, with the most flagrant

innovations on the laws of his country. The duke threw himself into Pomfret castle, and gathered round him a few brave followers to defend his life; which was at length rescued by the influence of the king's mother. Taken into employment again, he marched against the Scots, who were committing new ravages on the borders, and was soon after followed by the king, with a large army: Had not the favourites been jealous of the duke's fame at this instant, and induced their sovereign to believe he wanted to draw him into danger, Scotland might then have been subdued: But the due measures were retarded, the king's movements slow and indeterminate, and more confusion than resolution was discovered in the military operations; which allowed the Scots time to recover from their panic, and stand upon their guard: The progress made in this war was of little consequence: the country was swept of provisions by the inhabitants, who retired to their mountains and strong holds, so that the English army was obliged to retreat from the famine which threatened them.

A French invasion was apprehended on the duke of Lancaster's departure upon his Spanish expedition, under the character of king of Castile; and supplies were required from parliament, to support an army levied for defence of the country, against the vast armament France had prepared. The commons were ready on this exigence to impower the king to act with vigour; but the influence his odious ministers possessed, induced parliament to request, that those who hitherto so grievously abused their bounty, and lavished in enormous follies the public treasure, should be removed: And an address was accordingly presented to the king. Bishop Fordham, who, on his coming to this See, held the office of Secretary to the king, and was now treasurer, and consequently privy to all the sovereign's acts, was one of those obnoxious characters pointed at by the states, and required to be removed, with the earl of Suffolk, then chancellor: And the address prayed, that those who had been entrusted with the public money, might account for its application.*

The king, in the heat of youthful arrogance and impetuous passion, treated the address with indignation and contempt, and said, "To please the parliament, he would not turn out the "meanest scullion of his kitchen:" What had not the state and constitution to dread from a prince capable of such folly, and a council who could poison his mind with an influence so pernicious! His rashness did not stop here: He retired to Eltham, and sent his chancellor to threaten the commons into compliance with his demands: They, on their part, insisted on his presence in

* Walsingh.——Public Acts.——Rapin.

parliament; and an open rupture was threatened: The issue produced a declaration from the king, that as he saw his subjects prepared for rebellion, he would crave assistance from the king of France, to reduce them to their duty. Nothing need be added to aggravate proofs of the pernicious influence, which could lead a weak prince, mad with pride, arrogance, and folly, to a declaration so derogatory of the tenor of his coronation oath, and the duties of a sovereign. The exertions of the houses of parliament, thus beset by treacherous and seducive minions, and the constitution attacked with the most dangerous innovations, were noble and generous: The chancellor, with a few of the most atrocious, were removed, and fourteen inspectors commissioned to supervise all public affairs.

A providential blow removed all fear of the French invasion; their armament being broken and dispersed by a storm: This event induced parliament to rise: But no sooner were the members returned to the country, than the king restored his favourites, with a levity, which renders his memory still more odious; The duke of Ireland was recalled from banishment; the earls of Suffolk and Neville, and the archbishop of York, were restored to the king's bosom: The duke of Gloucester, with some others, equally obnoxious to the favourites, were intended to have been taken off by poison; but by good fortune escaped. After a multitude of aggravating acts, particularly the Nottingham plot, when it was determined to levy an army, and drive out by force of arms the lords who opposed the king's counsellors and others, which cannot be admitted in rehearsal in this work, an insurrection took place, and the king sought security in the Tower of London.

Whilst these intestine distractions prevailed, in 1387, the Scots invaded England, and penetrated, as far as the county of Durham, where they committed great ravages; but on their retreat, laden with spoils, they were intercepted by Hotspur-Percy, who brought them to an engagement at Otterburn:* The forces of the bishopric of Durham were on their march, but too late to ensure the victory, which Percy was on the eve of obtaining, when a reinforcement of Scots, led by the earl of Dunbar, wrested from him the laurels he had reaped, by feats of the greatest valour and intrepidity, after he had slain Sir William Douglas with his own hands.

In the year 1388, affairs of state assumed a most solemn countenance; the king shewed an incorrigible vice of mind, and his ministers, still pursuing their injurious projects, threw the whole

* For a full account of this battle, see View of Northumberland.

nation into a dreadful ferment: And, in the sequel, a confederacy took place, headed by nobles determined for redress; and whose power soon appeared too great to be opposed. The king's assumed countenance of contrition was discovered to be delusive and insincere, and his promises of redress calculated to amuse and deceive, in order to betray the nation into an unsuspicious security, till the duke of Ireland should surprise them with a large armament, which he prepared to lead from Wales. The confederate lords, on full intelligence being had of such measures, marched a body of their retainers, then in arms, into London; and a conference was demanded with the king: He was personally reproached for his repeated acts of violence against the constitution, and the treacherous measures he had countenanced to the injury of the state: On this occasion, he shewed an irresolution so weak, and at the same time a mind so wicked, that the confederates were prompted to threaten their proceeding to the election of a king, if he refused to attend in parliament, and dismiss his evil ministers: Thus held by a coercion his counsellors had not taught him to dread, he appeared on the throne, assented to the banishment of his favourites, among whom was the bishop of Durham: But it is remarked, that some of the king's ministers were admitted to give security, to answer whatever charges might be brought against them, and our prelate was certainly one of those, as he entered a protest in the house of lords in the ensuing parliament after-mentioned.

It has been remarked before, that the bishop's barons served him in the capacity of a privy council. This was the ancient Roman constitution, of which we have one perfect instance remaining to this day in Europe, in the government of Jersey, where the old Roman laws are still retained; five barons constitute a part of the legislative body of that state. By the extract from the account of the bishop's receiver, given in the note, the reader will see what persons formed the council of this province in the 4th year of this prelate's episcopacy, A. D. 1385.*

* Compotus W. de Elmeden constab. c. Dun. & rec. sacc. &c. a fo. s. m. anno reg. Rich. IIdi, 9. & pont. ven'ab. p'ris D'n'i Joh'is e'pi D. quarto usq. in crastinu' d'ci festi p'x sequens.

	£.	s.	d.
Feoda D'n'i de Nevill retent. de concil e'pi ad fa. Paschi & S. Mich.	23	6	8
——D'n'i Radi de Eur. sen. Dun. ad. ead. f'a p' ann.	40	0	0
——D'n'i Rog'i de Fulthorp cap. justic. ad ead.	10	0	0
——Joh'is de Preston justic. sc'dar. ad ead.	6	13	4
——Ip'ius constabl. & rec. gen. p' ann. ad eosd. term.	23	6	8
——Joh'is de Kelingal cl'ici justic. ad eosd. t.	5	0	0
——Will'i Lambard retent. de consil. D'n'i ad eosd. t.	4	0	0
——Joh'is Conyers consilit. retent. ad eosd. t.	2	0	0
——Gilb. de Elvet co'silit. retent. ad.	2	0	0

Bishop Fordham was one of the prelates that certified against Wickliff's principles and opinions;* and also protested against the determination of the lords, that bishops should not sit in judgment of blood; setting forth, "that in right of these lay "baronies, they should be present in parliament on every "transaction there; (though by the canons, in their spiritual "capacity, they ought not to preside on such other occasions) "by which they claimed to protect the right of their peerages."†

This prelate was so deeply engaged in affairs of state, that he had little time to attend particularly to his bishopric; so that we find few provincial instruments on record in his time. In 1385, we have a commission to enquire after the misapplication of tolls granted by his predecessor in the city of Durham, for paving and walling the city, and a surrender of the grant by the farmers who held the duties.‡ In the year 1383, he granted certain tolls at Hartlepool for five years, towards maintaining the fortifications and pier there‖

3 D

	£.	s.	d.
Feoda Will'i de Blakeden unius auditor D'n'i p' ann ad eosd. ...	5	0	0
——Will'i de Bowes mil. cons. retent. p' pace & guerr.	6	13	4
——Will'i de Weschington mil. cons. retent. p' ann	6	13	4
——Will'i de Blaikeston cons. retent ad eosd t'i'os.	5	0	0
——Wale'i de Hawyk cons retent. ad eosd t'i'os	5	0	0
——Will. de Salesbyry cl'icus an'ua pens s't conces. p' D'n'um ...	10	0	0
——D'n's Gerard Heron mil p' custodia c. de Norham ——D'n's Joh'es de Batesforth p'sona de eccl'ie de Eggscliff. ——D'n's Joh'es Burgeys thes.—Tho Elmeden gaoler & janit castri Dun.—Rob Chaliers armourer custos garderop & armor. D'n'i ap. Dun—Joh's de Hatfeld Hostar-D'n'i, D'n'us Joh de Berington, monachory, &c—Rot Fordham Randal's MSS	5	0	0

* Collier, vol. i. p. 574. † Ib. p 588 ‡ Rot. Fordh. sch. 8, N° 1, 2.

‖ Rot. Fordh. sch. 4, N° 5. ss. John Fordham bishop, in the time of K. Richard II. granted his commission to commissioners, "*ad levand' consuetudinem pecun. pro villa seu pera d'Hartilpol.*" Rot. M. schac. 4, N° 5, schac. 6, N° 9. Spearm. Enq. p. 16.——For this commission, vide Hartilpool, vol. ii. of this work.

In 1387 he granted lands for an hermitage at Eighton. Rot. Ford. sch. 9, N° 7.—And he granted a pardon to John Clerk of Chester, then charged with defrauding the treasury of his predecessor Hatfield of £.2500 Rot. Ford sch. 6, N° 2.—In 1386 he granted his commission for arraying the forces of the palatinate, Apr. 12, anno 4, pont. sui, anno 5, Rich. II. A. D. 1386 Rot M. schac. 4, dorso 13. Spearm. 12.—Also a commission to enquire into the state of weights and measures, used within his jurisdiction: "*Ad inquirend. d' ponderibus & mensuris ibidem.* Rot. M. sch. 4, N° 1. Spearm.—He granted a commission, "*Rogero de Fulthorpe Radulpho de Ewry, Williel d' Elmedon Johan. de Preston, & Williel. de Blakeston, ad inquirend. de pisce regali pertin' ad episc' Dunelm. ad terram per mare project' apud Hawthorne, infra præcinctum regiæ libertatis episc.*" Rot. M Ford. Spearm 17.

Commissio Johannis Fordham episc. (14 Martij anno pont. sui et 7 Rich. II. regis 1384) Rogero de Fulthorpe, Thomæ de Hertilpole, Radulpho de Ewre, & Willielmo de Fulthorpe, ad inquirend d' aqua d' Skerne obturat. in ripis.—Rot. Ford. sch. 3, N° 3, dorso. Spearm. 27.

Several commissions were granted by this bishop for an array. Rot. cl. M. sch. 6.

A commission by him for the repairing his castle and fortresses.—Rot. cl. 7. N° 4,

In 1382, the king granted this prelate a place of hospitality at Stratford super Bowe, for himself, retinue, and horses to refresh on their journies to London, for attendance on parliament or the king's council.*

Notwithstanding the bishop did little for his See, by his own acts or benevolence, and was so obnoxious a character in the state, yet his interest with the king procured several beneficial instruments to his palatinate: In the seventh year of the reign, he obtained confirmatory grants of privilege and royal jurisdiction;†

The array was held on Gillygate-moor, 24th March 1399, 1 K. Hen. IV. 2 reg. D. & Cha. 157, 167.

* A. D. 1381, 5 Rich. II. De restitutione temporalium John Fordham ep. Dunelmensis.——Rymer's Fœdera, vol. vii. p. 333.

1382, 5 Rich. II. Pro. J. Fordham episcopo Dunelmensi, quod nulla dominia sive villas prope London ubi episcopi hospitari vallant cum ipse ad parliamenta venerit.—Ib. p. 350.

1388, 11 Rich. II. De tractando cum adversario Scotæ ep. Dunelm.—Ib. p. 572.
——————————De provisionibus pro ecclesia Dunelmensi.—Ib. p. 574.

1384, 7 Rich. II. syll. 48. Pro e'po Dunolm. de concessione speciali. N° 102.
——————————Pro episcopo Dunolm. de confirmatione. 121.
——————————Pro e'po Dunolm. de exemplificatione. 121.
Syllabus, &c. capitula actorum dat. reg. Rich. II. vol. ii. Rymer.

K. Rich. II. by charter dated 10th Nov. a° 15°, confirms to the bishop, *cum clausula licet* all the charters and other grants before stated; except Pope Gregory's bull, and K. William's confirmation thereof, the grant of K. Hen. I. of Burdune, Carletune, and Heacliff, and the proceedings in eyre at Newcastle.——A° 21 Edw. I.

In a commission of the peace, John de Nevyl lord of Raby, Roger de Fulthorpe, Hugh de Westwyk, John Heron, John de Preston, W. de Bowes, John de Hedlem, John de Eliot, and Thomas de Hertilpole, were all named.—Rudd's MSS. Rot. 1.

† Rich II. by charter dated 16th Dec. a° 7°, reciting, that the then bishop, John Fordham, and his predecessors, held and possessed, *civitatem et castrum Dunelm. manerium et wapentachium de Sadberge ac maneria et villas de Auckland, Middleham, Derlyngton, Stokton, Esyngton, Houghton, Chestre in the Street, Gateshead, Ryton, Langchester, Evenwoode, Fulley, Morley, Stanhope et Wolsingham cum pertin. infra patriam et precinctum vocat. episcopatum et libertatem regalem Sancti Cuthberti Dunelm. inter aquas de Tyne et Tese. Ac etiam castrum et villum de Norham, ac manerium de Bedelyngton cum pertin. ut parcell. dicte libertatis ultra Tynam versus boream. Nec non diversa alia terras ten. redditus, servicia feod. milit. advocac'ones et patronatus ecclesiarum tam collegialium quam parochialium. hospitalium cantariarum, aquas. piscarias diversasque alias possessiones temporales et spirituales tam infra patriam et precinctum episcopatus predicti, quam infra patrias et precinctas vocat. Norhamshire et Bedelyngtonshire, unacum medietat. duarum aquarum de Tyne et Tese versus episcopatum predictum. Et diversis piscarijs et proficuis in eisdem medietat. ut p'cell. eorundum episcopatus et libertatis regalis possessionumque ecclesie antedicte, et cum applicatione onerac'one et exonerac'one navium battellorum et aliorum vasorum in dictis aquis ac medietat. aquarum exparte episcopatus predicti simulque CUM DOMINIO & LIBERTATIBUS COMITIS PALATINI, ac omnimod. aliis dominiis libertatibus juribus proficuis placitis jurisdictionibus et prerogativis regalibus in omnibus partibus precinctis et locis predictis eorumque pertinen. universis et in quolib. eorundum. Que quidem civitat. castra villas manerio wapentachium terras ten. reddit servicia feod. milit advocationes et patronatus, ac aliis possessiones temporales et spirituales idem e'pus asserit se et ecclesiam suam predictam tenere et possidere in presenti.* Whereupon the king, *volentes pro securitate et quiete perpetuis dicte ecclesie prefatique episcopi et successorum suorum et ut dictis episcopus seu successores*

and also a charter, declaratory, that merchants might ply on the bishop's side of the river of Tyne, and load and unload coals, unmolested by the burgesses of Newcastle *

The iniquity of the councils during the king's minority, gives a sufficient cast of this man's disposition: Such violent efforts

sui super possessionibus predictis seu aliquibus premissorum futuris temporibus nullatenus inquietentur seu graventur.

Confirms, *predicto episcopo et ecclesie sue predicte, omnia et singula civitatem, castra, villas, maneria, wapentach, terr. tenementa reddit. servic. feod. milit. advocac'ones et patronatus ecclesiarium hospitalium et cantariaram piscarium et omnes alias possessiones antedicta et eorum quodlibet quas vel que idem episcopus ac dicta ecclesia sua tenent et possident ut est dictum unacum pertin. suis universis et simul cum dictis aquis et mediatat. aquarum, applicac'one oneratione et exoneratione navium battellorum et aliorum vasorum in eisdem in parte e'patus predict. Ac etiam una cum DOMINIO & LIBERTATIBUS COMITIS PALATINI et omnimod. dominiis libertatibus juribus proficius placitis jurisdictionibus et prerogativis REGALIBUS in omnibus predict. civitat. castr. vill maner. wapentach terr. ten reddit. servic. feod. advocacon. patronatibus aquis et medietatibus aquarum piscariis et quibuscunq. al. possessionibus supradictis et in omnibus partibus patriarum precinctum locorum possessionem et p'tin. predictorum ac simul cum omnimodis aliis libertatibus liberis consuetudinibus et proficuis tam in aqua quam in terra de quibus dicta ecclesia seu aliquis dictorum predecessorum suorum in possessione extitit, et quibus eadem ecclesia vel aliquis dictorum predecessorum suorum tempore alicujus dictorum progenitorum nostrorum infra patrias precinctis loca possessiones et pertin. predict seu quamcunq parcel. eorund. usus est et gavisus.*

And grants, that the bishop and his successors may hold and enjoy the premises, *adeo plene et integre sicut aliquis predecessorum s orum predictorum, ea seu aliqua eorundum habuit et eis seu eorund . aliqib's in dictis e'patu et libertate usus fuit et gavisus tempore alic jus progenitorum nostrorum,* and as the same are therein specially declared.

Richard II. by another charter dated the same day, reciting the confirmation (a° 51 Hen. III.) of forfeitures of war, and the further confirmation thereof to bishop Beaumont, confirms the same again to bishop Fordham, with this clausula licet, viz. *Quod licet idem e'pus vel p'decessores sui aut eorum hominum aliqua vel aliquibus legum consuetudinem quietudinum lib'tatum seu quietanciarum in cartis seu literis p'dictis contentarum aliquo casu emergente hactenus plene usi non fuerint ipse tamen e'pus et successores sui et eorum homines legibus consuetudinibus quietudinib s libertatib s et quietanciis p'edictis et earum q libet decereto juxta tenorem cartarum et literarum p'd'carum plene gaudeant et utantur sine occasione vel impedimento nostri vel hered. nostror. justic. escaetor. vicecomitum aut a ior. ballivor. seu ministror. n'ror quor'cumq.*

* The same king, by charter dated the 28th Dec. a° 7°, reciting the statute 9 Edw. III. whereby it is enacted, that any person may buy or sell in any part of the kingdom, notwithstanding any charter to the contrary; and that bishop Fordham had petitioned the king, setting forth, that his predecessors used to have a great annual profit from coals within his bishopric, and royal liberty of Durham, by ships and vessels applying in the river Tyne, and that the men of Newcastle hindered the bishop delivering his coals there: Thereupon he grants, that merchants and all others may apply on any part of the river on the bishop's side, and load and unload coals, merchandise, or any other things, and carry them where they please, *sine impedimento homin m de villa de Novo Castro vel aliorum quorumcunque.*——Extracted from the Rolls at Durham.

Anno 7 Rich. II. reg. 1384, Joh. Fordham episc. carta p' applicatione nav. absq. impedimento hom. &c. inter alia, includes ballast.——Spearm. p. 10.

were made to encrease the royal prerogative, to invade the constitution, and infringe the liberties of the subject, as render the æra and the men of influence infamous. There was some apprehension of Bishop Fordham's restoration to Durham, during the reign of king Richard II. but that was soon removed, by the succeeding events of that sovereign's life.*

It appears that the barons, by whose influence bishop Fordham was removed, were determined to fill the See of Durham with a a prelate who should not interfere in political matters, and that was a mere ecclesiastical character; for

* In an old History of the English Prelates, written in the time of bishop Morton, we have this bishop's character in few words: "Anno 1388, John Fordham, bishop "of Durham, was by parliament banished the court, as a pernicious instrument and "corrupter of K. Rich. II a traitor, a flatterer, a whisperer, a slanderer, and wicked "person."—Walsingh. Hist. Eng. 1388, p. 365. Speed's Hist. p. 748. Godwin, p. 664.

Johannes Fordham episcopus Dunelmensis et Johan. Russhok regis Confessor, frater præd. et episcopus Cicestr. expulsi mærente rege a curia.—Lib. 1, Hist. Gul. Novoburgensis. Lel. Col. vol. i. p. 253.

Johannes Fordham, consec est no. Jan. A. D. 1381, et translatus est ad Ely, 30 no. Apr. A. D. 1389.——Ex lib. chartaceo rec. gest. Dunelm. eccl. Lel. Col. vol. ii. p. 335.

A. D. 1385, Johannes Fordham episcopus Dunelm. depositus officio the saurarij et Johan. Gilbert de ordine prædicatorum episcopus Hereford. substitutus pro eo. A. D. 1388, Fordham ex Dunelmensi Heliensis factus.—Chron. Tinæmuthis. Lel. Col. vol. i. p. 185.

Ex vita Johannis de Fordham.

Johannis translatus est de sede Dunelmensi ad Elien per Bonifacium, ep. ro. 5, cal. Oct. A. D. 1388 Sedit ann. 37, mens. 3, dieb. 4, obiit plenus dierum 30 cal. Decembr in maner. de Downham, A D 1425 Sepultus est apud Ely in occident. parte capellæ S. Mariæ Vacavit sedes septimanis 21 et 6 diebus ——Lel. Col. vol. ii. p. 609.

The See vacant.—John de Nevill appointed guardian; his supersedeas dat. Oct. 23, 1381.—Rym vol vii. p. 333, et Rot. Fordh sch. 3, N° 1.

John de Fordham Bishop.—Provided by the pope, Sept 9th 1381; did homage, and had temporalities, 23d Oct 1381; consecrated 5th Jan. 1381; installed Sept. 1382; expelled and translated to Ely by the pope, 3d Apr. 1388; had temporalities there, 27th Sept. 1388.

Officers of the See in bishop Fordham's time.

High sheriffs and escheators,—Rob. de Laton knight, anno 1381; oc. escheator d. lune p. f'm S. Mich. anno 1° Joh.—Tho. de Boynton 1385.—Will. de Bowes knight, ap. 29th Apr. 5. John. 1386 Rot. Fordh. sch. 8, N° 2; oc. again 5th May 1388; same day oc escheator.—John de Hexham, oc. under-sheriff 13th Sept. 1385.

Temporal chancellors,—Hugo de Westwyk canc. oc. 26th Jan. 1381. Rot Fordh. sch 1, N° 2 Oc. again 18th June 1383; Rector of Elwick 1362; Rector of Egglescliffe 1367; Dean of Auckland 1384.—Will. de Elmedon, oc 13th Nov. 1383. Ib. sch. 2, N° 3, in dorso Oc again 2d Sept. 1387.

Constable of the Castle.—Will. de Elmedon, oc. 30th Nov. 1382. Rot. Fordh. in the auditor's office. oc. again 30th Sept. 1386; oc. receiver-general 1385.

Seneschal, Ra. de Eure, oc. 14th Jan. 1385. Rot. Ford. sch. N° 8, 1.——Randal's MSS.

WALTER SKIRLAW,

who was translated hither, is not noted by historians in any public capacity in state affairs, during his whole prelacy; and his life was occupied in works of munificence, not limited to his own province only, but extended to other parts of the kingdom. He was of the degree of doctor of laws, of the university of Oxford: Was first consecrated bishop of Litchfield and Coventry, from whence he was translated to Bath and Wells; and finally, on the 3d day of April 1388, translated by the pope's bull to the See of Durham: Both the instruments were of one date, which removed Fordham, and placed Skirlaw at Durham.

During the many troubles of Richard's reign, though the nation was in continual distraction by the power of contending parties, and the weakness and perverse principles of the king, frequent attention was paid by the legislature to repress the influence of the See of Rome; not so much, perhaps, through constitutional principles, as fear of an encreasing power, to the prejudice of political measures, during the unsettled state of government, which repeatedly fluctuated from one prevailing party to the other: Notwithstanding this seemed to be a maxim adopted by all, yet when necessity required a particular point to be carried, an innovation was sought by either party, and the holy See was called upon to aid the measure: Thus it was, in the displacing Fordham, and bringing in Skirlaw. Yet by the record in the notes* it will appear, a specious countenance was still supported by the officers of government, coincident with the legislative rules. The bishop received restitution of the temporalties of his See, by the abovementioned instrument, on the 13th of September.

By the next record in the notes, it seems an interruption of the palatine rights was attempted, by the king's taking possession of lands, forfeited by Michael de le Pole, lying within the jurisdiction; and, to quiet the bishop, he granted to him the custody thereof for twenty years, under a small rent. The premises are described to be the manors of the Isle, the vill of Bradbury, and

* *Rot. Cancellar. Dun. de a'o p, d'n'i Walt'i e'pi Dunelm. primo.*

D'n's rex mandavit hic breve suum patens in hec verba. Ricardus Dei gra. rex. Angl. & Franc. & d'n's Hib'n dil'co sibi Amando Mounceux esceatori suo in com. Northumbr. sal'tm. Cum D'n's summus pontifex ven'abilem p'rem Walt'um nup. Welle'n & Batonien. Ep'm a vinculo quo d'n's Welle'n & Batonien. eccl'iis tenebat absolv't & ip'm ad eccl'iam Dunelmen. t'nstulerit & ip'm in ep'm loci illius p. fec'it & pastorem, sicut p. l'ras ip'ius sum'i pontificis bullatus nob. inde directas nob. constat. *Nos p. eo q'd idem Walt'us o'ib's v'bis nob. p'judicialibus in d'cis l'ris bullatis contentis coram nob. renuntiavit, & g're n're humilit se submissit,* volentes cu' eo ag'e gro'se cepim. fidelitatem ip'ius Walt'i & temporalia d'ci e'patus Dunelmen. restituimus eid.

Et ideo tibi precipimus, q'd eid. Walt'o temporalia p'd'ca cu. p'tin in balliva tua lib'es in forma p'd'ca. Test. me ip'o apud Cantebrig. 13 die Septem. anon R. n. 12.°

——Randal's MSS.

lands in Bolam, Great Chilton, Fishburn, Foxdon, Styllington, and Preston upon Skerne.* This Michael de le Pole, was one of those unhappy favourites, who formed the junto with Neville archbishop of York, Vere earl of Oxford, and judge Tresilian: Rapin says, he was the son of a London merchant; but in Dugdale's baronage† he is said to be of Kingston upon Hull, of which place his father, William de le Pole, was first mayor: He was one of those accused of high treason 1388.‡

The border war was much restrained during this prelate's time: Soon after his accession to the See a truce took place, which was enlarged for a considerable number of years. Robert king of Scotland died in the year 1390, and was succeeded by his son John, who assumed the name of Robert III. The unsettled state of both nations greatly contributed to repress the military habit of the borderers; and it was not till 1399 that the Scots made an invasion, about the time the unhappy monarch king Ricnard II. was deposed.

Henry IV. having been elected to the crown, by the popular cry, without any examination of hereditary claim, marched with an army to the north in the year 1400, but made no other progress in Scotland than to lay waste the borders as he passed; whilst the Scots came behind him, and in retaliation destroyed Bambroughshire; he at length being obliged to retreat, from a naked and desolate country, and agreed to a truce. In the year

* D'n's rex mandavit hic aliud breve suum patens in hæc v'ba. Ricardus, &c. o'b's ad quos p'sentes l're p'ven'int salt'm. Sciatis q'd com'issimus ven'abili in X'to pat'i Walt'o e'po Dunolm. custodiam man'ij de Isle, ville de Bradbury, ac'o'im t'rar, & ten. que fuerint Mich'is de la Pole Chr. in Bolam, Magna Chilton, Fisheburne, Foxden, Stylington, and Preston super Skyren, & que ad manus n'ras ro'ne forisfac'ure ip'ius Mich. devenerunt H'end. ad t', viginti annor. p'xime sequenciu' plenar. completor. Reddend inde nob. p. ann. q'draginta & q'tuor m'cas & supp'tando o'ia'onera eisd. man'io ville t'ris & ten. p'tinentia si'e speutantia q'mdin custodiam hu'erit suprad'cam. In cujus rei testimon. ha's l'ras n'ra fieri fecimus pat. Test. me ip'o apud Cantebrig. xxviii. die Sept. a° regni n'ri duodecimo. Rot. ibid.—Randal's MSS.

† Vol. ii. p. 182.

‡ Syllabus, &c. 1385, 8 Rich. II. Syll. 49. Pro Waltero Skirlawe de protectione speciali. Capit actorum dat reg. Rich. II. vol. ii.——Rymer.

1391, 14 Rich. II. syll. 52. De intendendo parliamento ad informationem faciendam circa privilegia episcopi Dunelm. Ib. vol. iv.——Rymer, p. 7.

1395, 18 Rich. II. syll. 54. Pro episcopo Dunolm. de licentia dotandi cantariam ex fundatione sua——Ib. p. 153.

Rex ad regem Scotiæ pro priore & conventu de Dunolm. de restitutione facienda.

1400, 1 Hen. IV. syll. 48. Pro episcopo Dunolm. de allocatione facienda.—Ib. vol. i. p. 79.

1403, 4 Hen. IV. syll. 60, Pro e'po Dunolm. de licentia dandi in manum mortuam.——Ib. vol. ii. p. 6.

1404, 5 Hen. IV. syll. 61. Pro e'po Dunolm. de pardonatione escapiæ.—Ib. p. 86.

Pro e'po Dunolm. de assignatione pro denarius regi mutuatis.——Ib. p. 13, 133.

1397, 21 Rich. II. Treaty with the Scots.—Rymer's Fœdera, vol. viii. p. 17.

1397, ————Pro e'pi Dunelmensi Walter Skerlaw de licentia se absentandi. a parliamentis post proximum Salopio tenendum.—Ib. p. 19.

1402 hostilities were renewed, and the Scottish army advanced to the neighbourhood of Newcastle, with the accustomed acts of rapine and ferocity: On their retreat, they suffered a complete defeat at Homelden near Wooler.* In those invasions, the counties of Northumberland and Cumberland suffered so much, that, at the request of parliament, the king remitted all debts and taxes due to the crown.†

In 1403 arose the formidable defection of the Percys, in which a revolt of Northumberland and Cumberland was dreaded, and that those powerful provinces would annex themselves to Scotland. In all the affairs of the north, nothing is said of bishop Skirlaw; whence those matters, though of the utmost moment to the state, become impertinent to this provincial history, otherwise than as a member of the kingdom at large.

On a personal quarrel between the dukes of Norfolk and Hereford, the king sought occasion to send them into banishment: The duke of Lancaster died soon afterwards. Every powerful person the king thought obnoxious to his interests was now removed, and the establishment of his despotic rule seemed to be obtained to his wish, when a general revolt of the Irish induced him to go thither in person, with a large army; improvidently leaving England open to the descent of the duke of Lancaster. The moment in the hand of Providence for the relief of England was arrived: A powerful insurrection took place, and after every baffled effort of the king to stem the torrent, whereby he was convinced of the detestation in which he was generally held, with a cowardice as abject as his actions were imprudent, the deserted tyrant resigned his diadem, and in the castle of Pomfret departed this life, either through obstinate denial of sustenance in the depth of despondency, or by the cruel hands of those who thought it a virtue to deprive him of all future power of distressing the nation. Thus ended the reign and life of a prince, whose passions were his only arbiters: He had not sense or calmness of judgment to form any political plan for a change in the constitution; but all his actions were instigated by pride, arrogance, and folly.

Bishop Skirlaw, during his possession of the See of Durham, erected a new bridge at Shincliffe, and one at Yarm, for the maintenance of which he purchased lands.‡ He also built a bridge at Auckland, and erected a noble gateway of stone work, at the palace there, made a strong tower to the church of Hoveden, for the safety of the inhabitants on any inundation; and

* For a description of this battle, see View of Northumberland, vol. i. p. 242.

† Rymer, vol. viii. p. 283.

‡ W. de Chambre.—Angl. Sac. p. 775.

expended great sums of money in the repairs of that church, whereto he added the chapter-house, which is spoken of by writers of that time as a beautiful edifice: He erected the hall of the manor-house of Hoveden, and was at much cost in other edifices there. He was at the expence of building a great part of the tower of York minster, vulgarly called the lanthern, where his arms are now to be seen. He founded a chantry in that church, with an endowment for a chaplain to celebrate daily mass there. He erected part of the beautiful cloister of Durham, in which he expended 600£. 200£. whereof he gave in his life-time, and 400£ at his death. He gave 330 marks towards building the dormitory to the convent. His arms are placed in several parts of those works. He was constantly held, as Chambrè says, in great honour by his sovereign. To these we may add, that he erected a beautiful chapel called Skirlaw's chapel, in his native parish of Swyne, in Holderness, and founded a chantry therein. In 1403 he gave the manor of Rothyng to University College, Oxford, for three scholarships. By his will, dated the 15th day of March, 1404,* he gave 200£. for certain clergy to celebrate an anniversary to his memory, 20£. to Durham college, Oxford; 100 marks to the cathedral church of York; 200 marks to compleat the chantry of Skirlaw, and 100 marks to carry on the building of the dormitory at Durham: And it is also said, he gave 150£. to the church of Wells. He departed this life on the 24th of March, 1405, and was interred in a magnificent tomb, opposite to that of bishop Hatfield, before the altar of St Blase; which afterwards obtained the name of Skirlaw's Altar. His grave was covered with a curious table of marble, ornamented with his own image, and various others of brass inlaid; and on the breast of his effigies was inscribed a text of scripture shewn in the notes. The tomb was inclosed with a railing or lattice of curious work, whereat mass was daily celebrated for his soul. Opposite thereto, in the the north wall, was a long seat of stone work, between pillar and pillar, where his arms were arranged. The railing round this tomb was afterwards removed, and a stall erected for women to attend divine service.†

* Willis, in his Survey of Cathedrals, says this will is in the archives at Lambeth, vol. i. p. 251.

† Browne Willis, in his 'Cathedrals,' gives us his epitaph, vol. i. p. 242.

Credo quod Redemptor meus vivit, et in novissimo die de terra resurrecturus sum, et in carne mea videbo Deum salvatorem meum.

Hic jacet bene memoriae Walterus Skirlaw, primum Episcopus Coventry et Litchfield, deinde Bathon. et Wellen. et postea ad hanc sanctem sedem Dunelmens. translatus, qui obiit xvii. die mensis Martii A. D. MCCCCV Deum pro anima ejus.

As to the coinage of the palatinate in this period, Mr Noble says, "The episcopal coins of Durham may, with greater cer- "tainty, be placed to their particular prelates, both before, and "for some time after this period, than those of either the arch- "bishopries of Canterbury or of York; and, at first view, it "seems very practicable from the many private marks that are "upon the Durham pennies, struck during these reigns, to fix "them to the bishops, in whose episcopate they were coined; but "it should be observed, that there are many little peculiarities in "the type of those of Canterbury and York, and also that those "minted at Calais and London must have been legal; therefore it "is impossible to know whether the pennies of Durham issued "from the king's or the bishop's mints; and should they be epis- "copal, an equal difficulty would occur to know which of the "prelates they were coined by. It would have been a very de- "sirable discovery, if we could have obtained a criterion to dis- "tinguish the regal silver money of each of our kings, Henry "IV, V, and VI, from the others, by the prelatical, (supposing "those of Durham were so) but this is absolutely impossible, "for the reasons already assigned."

There are few public records of note in this bishop's time. He granted a commission of survey of the river Were.* In 1389 he granted licence to castellate and embattle the manor-house of Lomley.† In 1390 there is a record of William Scrope's making an offering of expiation at the feretory of St Cuthbert, for certain trespasses by him and his people, against the liberties of the church.‡ In 1403 we find two several commissions for auditing public accounts.§

* Rot cl. N° 35.

† Licentia concessa Radulpho de Lomley militi ad ædificandum & batellandum castrum de Lomley. Rot. A. A. Walt. Skirlaw, ep. indorso N° 37.—Vide Lumley, vol. ii. of this work.——Spearman's Enq. p. 19.

‡ Rex. o'ib's, &c. quia in quadam debata inter ven. patrem Walt. Dun. ep' ex una parte & Willielm de Scrop, chivaler. ex altera parte pendente. Per assensu dictar. partiu. fuerat compromissum in certas personas notabiles p. easd ambes partes electas. Qui quide. compromissarii, de toto facto plene informati p. commune. assensu. ordinaverant q'd predict, Williel's pro certis transgressionibus & misprisionibus quas ipse & gentes suæ, infra libertatem dicti e'pi, contra ipsum & aliquos officiariorum & serventiu. suoru. intulerunt. Pro & inno'ie, pœnitentiæ publicæ dicti Willielmi & o'iu. gentium suaru quodda jocale notabile ad feretru. S. Cutherti Dunolm offerre, & id in p'pria p'sona sui illuc portare, & ibid. offerre, debuisset ex causa supradict. cujus quidem jocalis valor p. ordinationem dict &c. & p. communem assensu partium dictar. voluntati & ordinationi n'ris simpliciter commissus fuerat prout intelleximus. Et porsmodum, &c. super quos nos, &c. & ordinamus quod dictum jocale de valore quingentaru libraru. ad minus existat. & per præfatum Will'elm. &c. in cujus, &c. per breve privato sigillo ——Rymer, tom. vii. p. 655.

§ Rot. Skirlaw, N° 97.

In this prelate's time, prior Walworth died, and was succeeded by John Hemingburgh.

Bishop Skirlaw, tem. K. Rich. II. granted commissions ad levand. pecun. pro Hartlepool. Rot. A. A. N° 63. indorso 36.

Also an aid in augmentatione & auxilio villæ de' Hartlepool ———Spearman's Enq. p. 16.

Commissio Walteri, e'pi 10 Apr. anno 2 pont. sui, 13 K. Rich. II. A. D. 1390. ad supervidend. aquam d'Weare & gurgites ibidem excessivos reducend. per juratores, &c. Rot. Skirlaw, N° 35. dorso.——Spearman, p. 27,

For further particulaas, vide monum. p. 119. Ayliff's Ancient and present State of Oxford, vol. i. p. 252. Dudg. Hist. of Durham, p. 79. Lel. Itin. vol. i. p. 45. 61

He was treasurer of Lincoln; archdeacon of the East-riding, Yorkshire; prebendary of York and Lincoln; and dean of St Martin's, London. He founded three fellowships in University College, Oxford, for such as were born in the diocese of York or Durham. He founded a college of prebendaries at Hull in Yorkshire circ. 1400. Lel. Itin. vol. i. Tanner. A. MSS of this bishop de generatione & corruptione in Bibl. Bodleian, v. Bernard. The bowels of bishop Skirlaw were buried in Howden church. Lel. Itin. vol i p. 45.——See the inscription in the second volume of this work under Howden.

Walter Skirlaw, bishop, Translated by the pope, 3d April, 1388.
Temporalities restored, 13th Sept. 1388.
Obiit 1405.

Officers of the See during Bishop Skirlaw's time.

High sheriffs and escheators.

Will. de Bowes, knt. a'o 1388.
Tho. d'Umframville, oc. a'o '20.
Marmad, de Lomley, knt. ap. 10th Oct. 1390.
Tho. de Boynton, knt. ap. 30th Nov. 1391, oc. escheator 10th Dec. a'o '70.
Will d'Elmeden, oc. esch 27th Nov. a'o '70. Rot. Skir. N° 37.
Rob. de Laton, chr. oc. esch. 15th May, a'o '80. Rot. N° 52.
Tho. de Claxton, oc. esch 8th Oct 1400. Rot. Skir. N° 22.
Rob Conyers, chr. ap. 18th Jan. 1400, oc. 10th May, 1405. Rot N° 104. ap. esch. 13th Jan. 1400. Again 1st Oct. 1401. and 1405.

Temporal chancellors.

Hugo de Westwyck, oc. canc. 9th Nov. 1388. Rot Skir, N° 30. Again 8th Nov. 1390.
Robert de Wycliffe, oc. 3d Feb. 1390. Rot Skir. N° 14. Again 30th Nov. 1391, and all the time of bishop Walter's life—He was rector of Rudby, app. master of Kepier hospital by bishop Skirlaw. He was temporal chancellor, constable of the Castle, and receiver-general; also one of bishop Skirlaw's executors, and died at Kepier 1423.
Constable of the castle. Rob. de Wycliff, clerk, oc. 16th March, 1390 and 1402.

Senescals.

Hugo de Westwyk, sen. oc. 13th Oct. 1388. 2 cop. book a'o p'mo usq. 17. Skir. marked B. p. 1. Again 25th March, 1389. Ib'd p. 13.
Tho. Gray, chiv. ap. during pleasure, 1389. Rot. Skir. N° 5—In commissione justic ad o'nes affisas Rot. Skir. N° 6. Tho. Gray fuit capit. justiciarius.
Ra. de Eure, mil. ap. during pleasure. Dat. Dun 20th Jan. 1394. Rot Skir. N° 22. Annuale feod. 40 libræ. Oc. again 1403. Ra. de Eure and Will. Gastan, justiciar. 20th Sept. 1392.—His testib's ven'ab. viro Joh'e. Pr. Dun.
Rad'o de Eure sen. Rob. de Wycliff, cl. constab. castri, n'ri Dun. dat. 1403. —N. B. The second year is wanting in bishop Skirlaw's copyhold books. —Halm. apud Cestre die Jovis an. Skir 11° Cor. Gilb'to de Hutton, &c. —Cop. Book B. 289.

THOMAS LANGLEY,

lord chancellor of England, was elected to this See, on the 17th day of May, A. D. 1406, when it is said, "he resigned the great seal:" He was consecrated by Thomas archbishop of Canterbury, on the 8th day of August following, in St Paul's church, London; and had restitution of the temporalities the next day. He received his education in the university of Cambridge, to which seminary he afterwards gave a valuable collection of books: In the year 1400, we see him named among the canons, and in 1401, he was made Dean of York, but "was not installed until the 8th "of August 1403. In 1405, he was created lord chancellor of "of England, and on the 8th of August in the same year, elected "archbishop of York, and had the royal assent thereto; but this "being by some means reversed, he obtained the See of Durham, "as before mentioned." It is probable the above circumstance took place, by virtue of an intervention of papal authority; for in the writ for restoring the temporalties, it is particularly specified, that he came by a provisional bull of the See of Rome, to this episcopacy.*

Notwithstanding the reign of Henry IVth was turbulent and full of rebellion, and during such intestine troubles, the Scots were restless, and in plundering parties constantly harrassing the borders; our bishop does not appear in any public commission, on the northern affairs, until the year 1411, when he was nominated with the bishop of Bath and Wells, Richard earl of Warwick, Ralph earl of Westmoreland, Baron Hilton, Sir Thomas Gray, Sir Richard Umframville, Alan Newark, and Richard

* *De restitutione temporalium Tho. Langley episc. Dunelm.*—Rym. Fœd vol. viii. p. 448. pat. 7, Hen. IV. p. 2, m. 3. A. D. 1406.

Rex escaetori suo in comitatu midds. salutem. Cum dominus summus pontifex ecclesie Dunolmensi nuper vacanti per mortem Walteri Skirlawe ultimi episcopi ejusdem loci, de persona, prædilecti clerici nostri Tho. Langle, clerici Dunolmensis proviserit, ipsumque in episcopum loci illius præfecerit et pastorem, sicut per literas bullatus ipsius domini summi pontificis, nobis inde directas, nobis constat,

Nos, pro eo quod idem episcopus omnibus et singulis verbis, in dictis literas bullatis contentis, nobis et coronæ nostræ præjudicialibus, coram nobis renunciaverit, et gratiæ nostræ humiliter se submisit, volentes cum eo in hac parte agere gratiose;

Cepimus fidelitatem ipsius præfecti, et temporalia episcopatus illius, prout moris est, restituimus eidem; et ideo tibi præcipimus, quod eidem præfecto temporalia prædicta cum pertinentiis in balliva tua liberes in forma prædicta. Teste rege apud Westmonasterium ix. die Augusti. 1406. Per breve de privato sigillo.

Consimilia brevia diriguntur escaetoribus subscriptis, sub eadem data; videlicet,

Escaetori regis in com. Eborum.
Escaetori regis in com. Lincoln.
Escaetori regis in com. Northumbr.

Holme, clerks, to treat of a truce at Hauden-Stank: But the commotions which had recently broke out in the northern parts of Scotland, by the revolt of John of the Isles, prevented the appearance of the Scots commissioners.

On the 6th day of June, in the last mentioned year, pope John XXIII. presented our prelate with a cardinal's hat: For what especial service or merit this distinction was bestowed, is not known.

In the year 1413, the king departed this life, "after having "sufficiently experienced the misery attending the greatest object "of human ambition, when attained and held by injustice and "cruelty."* He held the crown of England for upwards of thirteen years; a reign marked with much intestine distress, not only from the dreadful visitation of the plague, the invasions of the Welch, and the formidable conspiracies and rebellions which agitated the whole nation, but from the repeated sacrifices to religion, and the cruel executions of the followers of Wickliff's tenets. Rapin says,† "When I consider the excessive commen- "dations bestowed on this prince, I cannot help suspecting, that "the glory of being the first burner of heretics, and of protect- "ing the clergy against the attempts of the house of commons, "were the mainsprings of all these encomiums: It is well known, "the ecclesiastics are as zealous in praising their benefactors, as "in blackening their opposers." "His distinguised character was "an extreme jealousy of a crown, acquired by means his own "heart inwards revolted at, and preserved by shedding a torrent "of noble blood. The death of Richard II. will be an indelible "stain to his memory: He performed nothing remarkable, to "afford matter for panegyric: The battle of Shrewsbury, is the "only notable action in his whole reign: He employed all his "thoughts in preserving his crown, and avoiding all occasions "by which it might be endangered. This prudent policy ought "to be the chief, if not the sole subject of his encomium, as it "was the sole motive of his actions, wherein nothing appears to "render him eminent. Though he caused Richard II. to be "deposed, for usurping an absolute power, he did not seem, by "his conduct, to have so great an aversion for that crime as he "pretended, when it was his interest to express it."

Henry, of Monmouth, ascended the throne, on the death of his father, without any question touching his right to the crown, and was proclaimed by the title of Henry V. So far from being disturbed by any competitor for the diadem, the earl of March was one of the first who came in to swear allegiance. The king,

* Border Hist. † Vol. i. p. 401.

in his education at Oxford, under the care of the bishop of Winchenster his uncle, had imbibed the most excellent principles of virtue and honour; under his precepts he had gained an enlarged mind and liberality of sentiments, together with maxims so firmly rooted, as to form the chief springs of conduct, in future life. His father's neglect and jealousy, for a time, threw him into a scene of dissipation; but he was no sooner on the throne, than he displayed a most active and generous mind. He is said to have called before him the companions of his youthful sallies; that he admonished them with much sincerity, and then, with a severity of virtue they did not the least expect, banished them the court. He shewed an earnest wish, at the very opening of his reign, to liberate the king of Scots, on honourable terms; being sensible his captive, in the lifetime of his father, was a breach of common hospitality, and his detention a political severity, little consistent with honour and generous principles: But his virtuous intentions were frustrated, by the intrigues of the court of Scotland, and ambitious projects of the regent, which protracted the release of the prince, for a considerable time. In the year 1414, cardinal Langley was sent ambassador to France, when a truce was settled, to contiuue until the following year; which afterwards received a prorogation, till the first day of May.*

* A. D. 1414, 2 Hen. V. syll. 68. Pro episcopo Dunolm. de concessione conditionali. p. 101.

1415, 3 Hen. V. syll 69. De terris pe liberandis e'po Dunolm. et aliis, et de homagio ac respectuato. p. 153.
Super dictis terris de non intromittendo p. 154.
Syllabus, &c. capitula actorum, dat. reg. Hen. V. vol. i. Rymer.

1418, 6 Hen. V. syll. 73. De domino Barynger et filio domini de Bracamond in presentiam episcopi Dunolm. cancellarii ducend. p. 260.—Ib. Cap. &c.—vol. ii. Rymer.

1423, 1 Hen. VI syll. 78. Super deliberatione magni sigilli e'po Dunolm. p. 165.—Syllabus, &c. cap act. dat reg. Hen. VI. vol. xi. Rymer.

1428, 6 Hen. VI. syll. 81. Pro e'po Dunolm. de licentia proffandi. p 16.
——De advocatione cantariæ e'po Dunolm concessæ. p. 24.
—Ib. vol. ii.

1406, 7 Hen. IV. De concordia, merchants, &c. to have the use of the sea-ports.—Rymer's Fœdera, vol viii. p. 437.
De litera cambii facienda. Ep. Dun.——Ib. p. 441.
De restitutione temporalium ep. Tho Langley.——Ib. p. 448.
De concordia exequenda et Hertlepole——Ib. p. 449.

1407, 8 Hen. IV. De liberatione magni sigilli Tho. Langley ep. Dun—Ib. p. 464.

1409, 10 Hen. IV. De judicio super libertatibus in manum regis captis ad nullato.—Ib. p. 572.
Pro e'po Tho Dunelmensi pro unione ecclesiæ profecturo.—Ib. p. 579.
De tractando super treugis Scotiæ——Ib. p. 686.

1414, 2 Hen. V. Pro Thoma Langley Dunelmensi episcopo in ambasiata versus partes Franciæ—Ib. vol. ix. p. 152.

1419, 7 Hen V. Super custodia ducum de Borbon, &c.—Ib. p. 801.

The king gained the hearts of the Northumbrians, by restoring Percy in blood, and to the possessions of his ancestors, in his parliament held in the beginning of the year 1415. As the king meditated a blow to be given to France, he appointed the duke of Bedford regent in his absence, of whose privy council we see our cardinal a member: By the duke's diligence and attention, the designs of Scotland were baffled: for after the king's departure, the Scots levied an army of 60,000 choice troops, and prepared a train of artillery for the sieges of Berwick and Roxburgh; those fatal engines being then lately introduced in the art of war; but both the expeditions failed; and we hear of no other military progress, but mutual inroads, by plundering parties on the western march, in which Dumfries was burnt on one side, and Penrith on the other. The king returning from the glorious victory gained at the battle of Agincourt, immediately appointed commissioners to effect the exchange of Percy, who had remained in Scotland, from the time of the old earl of Northumberland's flight from Berwick, for Murdock Stewart: Those commissioners were chiefly men of this province, viz. Sir Ralph Eure, Sir William Claxton, John Huntman, master in theology, and Richard Holme, licentiate in laws. In the year 1416, the king consented that king James of Scotland should visit his dominions, on delivering sureties for his faithful return: The cardinal was one of the king's commissioners on this occasion, to receive the pledges. In 1417, the cardinal again accepted the office of lord high chancellor, in which he continued till the accession of Henry VI. in 1422, when he resigned it: but, at the request of parliament, re-assumed the seals in November 1423, and in 1425, he finally resigned.

Whilst the king was leading a victorious army in France, in the year 1418, Sir Robert Umframville, then governor of Berwick, with an army composed only of men of the palatinate and Northumbrians, in retaliation of the injuries received by the Scots incursions, carried fire and sword through Tiviotdale and the adjacent territories. Harding says, he burnt all the eastern march, with its market towns of Hawick, Selkirk, Jedburgh, Dunbar and Lauder, and the forests of Lauderdale. The king of Scotland still remained unliberated, he attending king Henry in his last campaign in France, from whence the English sovereign never returned, he departing this life on 31st day of August, A. D. 1422; having reigned over England little more than nine years. His heroic character is admitted, by authors of every distinction. He readily assented to every law proposed, which tended to encrease the influence and prosperity of his people.

He renewed the military discipline of his subjects, which was greatly neglected, from the time of Edward III.; and Rapin says, "Never did the English nation shine with such lustre, as "under this renowned prince." He sullied the glory of his reign, by yielding too readily to the importunities of his clergy, to encrease the persecution of the new sectaries in religion: Sir John Oldcastle and his adherents falling sacrifices therein. Yet whilst this blow was struck on a few dissenters, in the year 1421, the power of Rome over ecclesiastical benefices was mortally assailed, by an act of parliament, attended with royal proclamations, and an exertion which promised that degree of liberty to be well protected in future.

The infant prince, Henry VI, to whom the crown descended in the Lancastrian line, was not one year old at the time of his father's death; the dukes of Bedford and Gloucester holding the regency, by virtue of the king's death-bed appointment. The unhappy change induced the Scots to invade England, but with so little success, that Holingshead, in contempt calls the expedition *the dirtin raid.* The liberation of the Scottish king now became a matter of much deliberation in the English council, who hoped from the courtesy he had received in England, and an attachment he had frequently expressed, he would be induced to maintain peace: To engage him further in amicable principles, it was proposed, that he should espouse Jane of Somerset, the daughter of John earl of Somerset, son of John of Gaunt, duke of Lancaster, and Katherine, daughter of Thomas Holland earl of Kent. This lady was James's cousin, a person of extraordinary beauty, and for whom he had entertained a passionate affection. The sum stipulated for his maintenance whilst in England was agreed to by both states: The prince received his liberty, and in the spring of the year 1424 the marriage was celebrated. The city of Durham was the scene of the great festivity displayed on this occasion: In March the royal pair came thither, attended by a crowd of the English nobility of the first rank, and were met by a numerous train of the most illustrious personages of Scotland. The hostages for performance of the liberation contract were there received by the English commissioners, and the necessary securities mutually exchanged. A truce was also settled there, to continue for seven years; and a new code of laws, for the government of the borders, were then agreed to. The author of the Border History says, "they present us with the first distinct view of the measures agreed on by the neighbouring nations for those purposes."* The commis-

* p. 389.

sioners appointed for these important negociations were John bishop of London, the cardinal bishop of Durham, Henry earl of Northumberland, Ralph earl of Westmorland, Richard Neville warden of the west march, Wm Alnwick keeper of the privy seal, Thomas lord Dacre, John baron of Greystock, and Robert Umframville. The conservators on the part of England were, Humphrey duke of Gloucester, Thomas duke of Exeter, Edmund earl of March, Richard earl of Warwick, Henry earl of Northumberland, Ralph earl of Westmorland, Robert lord Willoughby, all the English admirals, the keepers of the marches of England towards Scotland, Robert Umframville, and Walter Hungerford, knights. The king and queen of Scotland remained at Durham until the last day of March, or first of April, and then proceeded to their dominions by Melros, at which abbey the Scots king ratified the treaty and convention concluded in England.

An alliance formed between the courts of France and Scotland, in which the dauphin contracted to espouse king James's eldest daughter, alarmed the English court; and commissioners were appointed to enquire after breaches of the truce, to demand the money in arrear for king James's liberation, to attend a change of hostages on that score, and take an estimate of the estates of those who were proposed, to redress grievances, and agree to a new truce. In this commission we see the cardinal bishop, with the archbishop of York, Henry earl of Northumberland, Sir Robert Umframville, and Mr Richard Arnold a canon of York.

It appears the cardinal, after his resignation of the seals, withdrew himself from the business of the state, and gave much attention to his palatinate; nor is he found in any public commission after the last above mentioned.

By the interest the cardinal possessed, soon after his consecration, he obtained from the crown the royal charter by letters patent, dated in the eighth year of king Henry IV. (by way of exemplification or inspeximus of preceding grants) in confirmation of the liberties and privileges granted to the bishops by the several potentates, from the establishment of this See. This is so valuable a record, that it is presumed the reader will not be displeased to find long extracts therefrom in the notes.*

* Charta five literæ pat. d'ni Henr. quarti reg. p. viam de exemplificatione seu inspeximus de libertatibus et privilegiis concessis episcopis Dunelm. per reges Angliæ. —E. copia Gab. Swainston.—Randal's MSS.

Henricus, &c. sal. Inspeximus chartam d'ni Rich. nup. regis Angliæ secundi post conquestum factam sub his verbis Rich. d. g. &c. Inspeximus chartam d'ni Egfridi, quondam reg. Northum. factam in hæc verba. In nomine patris, &c. A. D. 685. &c. donavi villam de Crec et tria milliaria in circuitu ipsius villæ; donavi etiam civitatem

In 1409 he obtained a confirmation of the judgment given by parliament touching the liberties of the palatinate, enquired of,

que vocatur Lugubalia, et in circuitu ejus xv milliaria, ut hæc tam ipse quam successores ejus, ad divinu. servic. in p'petuu. h'eant ita, sicut ego hu'i, libera et quieta et sc'm suam votem disponenda, &c. Anno r. ætatis regis Egfridi xl. regni vero ejus xv. Inspeximus etiam chartam n'ram de confirmatione quam nup. fieri fecimus in hæc verba. Henricus, d. g. &c. Inspeximus l'ras patentes celebris memorie H. dudum regis Angliæ progenitoris n'ri, in hæc verba. H. rex Anglie et dux Norman et Aquitan. et comes Andeg &c. Sciatis me concessisse Deo et s. Cuthberto, et eccl'iæ Dun. et Hugoni e'poo'es terras et consuetudines, et leges, et quietudines, de quib's o'ib's saisita erat p'd'ca eccl'ia die qua primus Will'mus ep'us, fuit vivus et mortuus; et si ipsa dissaisita est de supradictis rebus, cito resaisiator. Et præcipio ut ita bene et quiete et honorifice teneat p'd Hugo, ep'us Dun. sicut primus Will'mus ep'us, et Ranulfus ep'us, antecessores sui, unquam melius vel liberius tenuerunt una die vel una nocte. Inspeximus etiam quanda. chartam inclytæ recordationis H. filii regis Johannis, &c, in hæc verba. Henricus d. g. Inspeximus chartamd 'ni J. reg. patris n'ri quam fecit Ph. Dunol. e'po in hæc verba. Joh'es, &c. Sciatis nos dedisse concessisse, &c. ven p'ri d'no Philippo Dunolm. e'po, q'd idem, et o'es successores sui Dunolmen. e'pi et o'es ho'i'es terræ et feoda eorum in comitatibus Eboracen. et Lincoln. sint quieti in p'petuu de sectis comitatuu. et wapentaccioru. et fri'burgorum et de auxiliis, &c. et de o'b's placitis, &c. salvis nobis placitis que p'tinent ad coronam n'ram, &c. salvis etiam placitorum sectis coram nobis in curia n'ra & coram justiciariis n'ris itinerantibus quas facere consueverunt. Quare volumus et firmiter precipimus q'd p'd'cus e'pus, et o'es successores sui, et o'es ho'i'es, et terre et feoda in p'd comitatib's h'eant p'd'cas quietancias et lib'tates in p'petuum, bene et in pace, integre et honorifice, sicut p'd'c'm est, &c. Dat. &c. 13th Feb 1206. Nos igitur p'd donac'o'em et concessionem ratam et gratam habentes ipsam p. nob. et heredibus n'ris concedimus et confirmamus, sicut carta p'd'ci patris n'ri testatur &c. Dat. 15th Julii, 1234. Inspeximus insuper quasdam l'ras pat. p'fati regis H. filii reg. Joh. in hæc verba. Henricus, d. g. &c. quia per testimonium pluriu et fide dignoru. et p. antiquos cuneos coram nobis exhibitos, et etiam p. monetam inde fabricatam quam ven. pater Walterus, Dun. e'pus, coram nob p'tulit accepimus, quod predecessores ejusd cuneos suos apud Dunelm. habere consueverunt, reddidimis ei cuneor. suorum seisinam habendam eccl'ie Dunelm. sicut predecessores d'ci e'pi eam habere consueverunt. Dat. 12 Junii, 1253. Inspeximus simil'r quanda. carta. clare memorie d'ni Edw. nup. reg. Angliæ proavi n'ri in hæc verba Edwardus, d. g. &c. sal. Inspeximus cartam quam bonæ memoriæ d'n's H. quond. rex Angliæ progenitor n'r fecit Deo, et sancto Cuthb'to, et eccl'æ Dunelm. et Hugoni, tunc e'po ejus loci, in hæc verba. H. rex, &c. sal. Sciatis me concessisse, &c. Deo, et sancto Cuthb'to, et eccl'iæ Dun et Hugoni e'po, o'es lib'tates et liberas consuetudines et quietantias, &c. Et volo et firmiter precipio q'd h'eant libere et honorofice et quiete applicac'o'es naviu. de p'te sua in Tina, &c Inspeximus etiam chartam quam bonæ memoriæ d'n's Richardus quond. rex, &c. in hæc verba Rich'us, &c. Sciatis nos dedisse, &c. Deo et b'to Cuthb'to et eccl'e Dun. et Hugoni e'po, &c. man'ium n'rum de Sedberge cum wapentacio, &c. Inspeximus etiam chartam quam idem d'nus Rich'us, &c. fecit Deo, et beato Cuthberto, et eccle. Dunelm. et Hugo, &c. in hæc verba. Rich'us &c. Sciatis nos reddidisse Deo, et beato Cuthberto, et eccl'iæ Dun. et Hugo. e'po, et succ suis, in p'petuu. maneriu. de Sadberga cum wapentaco, et feodis militu. &c. quæ prius ei dederamus, et charta n'ra confirmavimus pro D C. marcis quas nobis inde donavit Quare volumus, &c. q'd p'd maneriu. &c. in puram et p'petuam eleemosynam libere et quiete et honorofice, teneat et habeat, &c. Inspeximus etiam chartam quam d'n's Joh'es, &c. fecit Deo, et b. Cuthberto, et eccli'æ Dunelm. et Ph'o quond. Dun. e'po, in hæc verba. Joh'es &c. Nos concessisse, &c. manerium de Sachberga cum wapentaco, &c. cu o'ib's p'tinentiis suis in bosco et plano cum soca et saca et thol et theam et infangeneth. &c. et cum placitis ad coronam regiam p'tinentib's sicut rex, &c. habebat. Concedimus etiam, &c. villas de Creic et Clif, cum nemoribus ad eas p'tinen. &c. Inspeximus etiam chartam quam idem Joh'es fecit d'no Philippo, &c. in hæc verba. Joh'es &c.

under the statute of *quo warranto*, in the year 1293. The whole record is inserted in the notes, under the life of bishop Bek, folio 284, and to which the reader is desired to refer.

Nos dedisse, &c. d'no Philippo, Dunolm. e'po et succ. suis, quod. h'eant feriam unam apud Hoveden, &c. Inspeximus etiam chartam, &c. quam Henricus, &c. nos concessisse et p'senti charta, &c. ven. viro Rich'o, Dun. e'po, et succ. suis, in p'petuum, q'd h'eant unu. saltatoriu. ad parcu. suum de Creic. &c. Inspeximus etiam l'ras patentes quas idem Henricus fecit r. &c. in hæc verba. Henricus, &c. Cum nup. p. conflictu habit apud Evesham, de consilio magnatum et fidelium nostror. quedam terræ et tenementa inimicorum et rebellium nostror. inturbatione habit in regno nostro per fidelis nostros p'd'cos occupata et seisit. in parliamento nostro Winton. ut nobis forisfacta in manum nostram reddita fuissent. Et nos postmodum manerium de Greatham quod fuit Petri de Monteforti inimici nostri, et quod est in libertate e'pi Dun. de Halywarkesfolk contulissemus dilecto et fidelo n'ro Thome de Clare, credentes hujusmodi collationem nos infra libertatem p'd. sicut alibi in regno n'ro facere posse; ac ad insinuationem p'd'ci. E'pi et alior. fidel. n'ror. ac etiam per consilium n'rum intelleximus, q'd p'd'cam collationem facere non possemus sine p'd'ci. E'pi et eccl'ie suæ prædicio et libertatis p'd'ce læsione (in qua quidem libertate jura regalia habet) Nos unicuique justiciam facere et jus suum tribuere, volentes ut tenemur p'd'cam collationem n'ram per nos factam pro nob. et hered, n'ris penitus revocamus, volentes et conceden. pro nob. et he'dib's n'ris, q'd p'd. e'pus de Man'io p'd'co et al. terris et ten. infra regale suu. p'd'cum forisfactis et sibi escaetatis faciat voluntatem suam, sicut nos hu'mo'i terris nob. forisfactis alibi faciamus in regno n'ro, &c. Nos autem donationes, concessiones, redditionem, revocationem et confirmationes, p'd'cas datas habentes et gratas eas p. nob. et he'dib's n'ris (quantum in nobis est) ven. patri Ludovico e'po et succ. suis concedimus et confirmamus, sicut chartæ et l'ræ p'd'cæ ronabil'r testantur, &c. a'o reg. n'ri xii°. Nos autem o'es et singulas donationes et concessiones, redditionem, revocationem, et confirmationes supra d'cas, et o'ia, &c. ob specialem affectionem, &c. quas ad s. Cuthbertum, &c. ac etiam p'pter affecc'o'em, &c. patrem Joh'em, nunc. e'pum, &c. acceptamus, approbamus, et ratificamus, &c. et concedimus et confirmamus p'ut chartæ et l'ræ p'd plenius testantur, &c. a'o reg. n'ri 7°. 1383. Inspeximus insup. l'ras n'ras patentes, &c. in hæc verba. Richardus, d. g. &c. Sciatis q'd cu. eccl'ia Dunolme. et bonæ memoriæ predecessores ven. patris Joh'is, nunc e'pi Dunolm. &c. tenuerint et possederint civitatem et castrum Dunolm. man'ium et wapentachium de Sanberge, ac man'ia et villas de Aukeland, Middleham, Derlington, Stokton, Esyngton, Houghton, Chestre in the Street, Gatesheved, Ryton, Langchestre, Evenwode, Fulley, Morley, Stanhop, et Wolsyngham, cu. p'tin. infra patriam et precinctum vocat. ep'atum et lib'tatem regalem s'c'ti Cuthb'ti Dunolm. inter aquas de Tyne et Tese, ac etiam castrum et villam de Norham, ac man'ium de Bedelyngton, &c. nec non diversa alia terris, &c. ut p. cellam eorund. ep'atus et lib'tatis regalis, &c. et cum applicatione, naviu. &c. nos, &c. ratificamus, app'bamus, concedimus, et hac charta n'ra confirmamus p. nob. et he'dib's et succ. n'ris regibus Angliæ p'd'co e'po et ecclesiæ suæ p'd'cæ o'ia et singula civitates, castra, villas, &c. Et consili'ter &c. acceptamus, approbamus, et ratificamus, concedimus et confirmamus p. nob. he'dib's et succ. n'ris p'd'cis eid. e'po et eccl. suæ, p'd'ce' man'ia de Hoveden, Alverton, et Creyke, cu. p'tin. ac o'ia alia terras &c. In cujus, &c. a'o reg. n'ri 7°. Inspeximus sili'ter quand. chartam n'ram qua. nup. fecimus in hæc verba. Richardus, d. g. &c. Sciatis q'd cum p. quoddam statutu. &c. Et jam ven. pater Joh'es, e'pus Dunolm. nobis supplicaverit, ut cu. predecessores sui magnum proficuum annuum de carbonibus suis in solo suo infra patriam suam (e'patum et lib'tatem regalem Dunolm. vocatam) her'e consueverint, et præcipue p. deliberac'o'em et passagiu. quæ inde habuer. p. naves et vasa quæ carbones hu'mo'i in aqua de Tina quærere veniebant, quod quidem proficuu. magna pars commoditatis eccl'iæ et e'patus Dunolm. extiterat; hominesq. villæ de Novocastro sup. Tinam, &c. impediunt, &c. ubi p'd'cus e'pus, &c. her'e debeat navium applicac'o'es ex p'te sua, &c. Concessimus, &c. p'fato e'po et succ. suis in p'petuu. &c. q'd mercatores et alij quicunq. amici reg. n'ri, &c. qui vo-

In 1433 a warm inquisition was held, under royal authority, against the cardinals prerogatives and jurisdictions in his See:

luerunt cum navibus, &c. ex p'te d'cæ patriæ, in quocunque loco in aqua p'd'ca, applicare absq. impedimento ho'iu. d'ce villæ de Novocastro, &c. absq. impos. su alio-o'ne quocunq. &c. p. ho'i'es d'ce ville de Novocastro seu alios quoscunq. in quacumq. parte d'ce aquæ capiendo seu levando, &c. Dum tamen nullus virtute concessionis n're p'd'ce lanas, coria, seu pelles, lanutas, eskippare possit ad transeundum extra regnu. n'ru p'd'c'm, præter q'm in villis, &c. Quare volumus, &c. quod mercatores, &c. qui voluerunt cu. navibus et vasis suis ex p'te d'cæ patriæ (quæ e'patus et libertas regalis Dunolm. nuncupatur) in quocunque loco in aqua p'd'ca eis placuerit applicare, et ib'm carbones, merchandisas, &c. cariare, &c. Et q'd eidem e'pus et succ. sui vasa sua p'pria in aqua p'd'ca quacu'q. p'te ipsis plac'it her'e possint in p'petuu. ad deserviendu' eis p. deliberatione carbonu, suoru. et ad cariari, &c. His testibus, &c. 28° die decem. a'o regni 7°. Inspeximus etiam l'ras n'ras pat. de exemplificatione, &c. in hæc verba. Rich'us, d. g. &c. sal. Constat nobis p. inspectionem rotulor. cancellarie n're q'd nos vicesimo quarto d. Feb. a'o reg. n'ri primo p. breve n'r'm mandavimus tunc constabulario castri de castro Bernardi, in hæc verba. Edwardus, d. g. &c. Constabularia, &c. sal. Quia, in instanti parliamento n'ro p. nos. et conciliu. n'r'm et consideratu. q'd e'pus Dunolm h'eat lib'tatem regalem infra lib'tatem e'pus p'd'ci; p'ut alias concessum fuit te'pe d'ni H. quo'd. regis Angliæ proavi n'ri: Vobis mandamus, quod de aliquib's jurisdictionem regalem inf'a e'pat. p'd'c'm emergentibus de cætero vos nullatenus intromittatis nec officiu. regale ib'm in aliquo exerceatis, teste, &c. 24° Feb. anno reg. n'ri primo. Et d'cis die et a'o p. aliud breve mandavimus tunc ballivo de Hert et Hertnesse in forma p'd'ca. Et 15° die Feb. a'o reg. n'ri p'd'co per aliud breve n'r'm mandavimus dil'co, &c. Rob'to de Insula tunc custodi terrar. &c. forisfactur. in co. Northumbriæ et e'patu. Dunolm. in hæc verba. Edw. d. g. sal. Monstravit nob. ven. p'r. L. Dunolm. e'pus q'd cu. ip'e h'eat et her'e debeat ipseq. et predecessores sui e'pi loci p'd'ci semper hactenus a temp'e cujus con'rij memoria ho'i's non existit habuere jura regalia inter aquas de Tine et Tese, et in Norhamshire et Bedelingtonshire in co. Northumbriæ, et ead. jura regalia p. se et ministros suos ib'm ex'cuer. &c. et &c. Justiciam fecerint absq. eo, q'd nos, &c. &c. de emergentibus infra d'cas aquas seu in p'd'cis locis, &c. in aliquo se intromissent, nisi in defectu. e'pi p'd'ci, &c. super defectum exhibitionis justiciæ: quar. quidem lib'tatem regalium p'textu, idem ep. forisfacturam guerræ in lib'tate, &c. emergentem her'e debeat. Ac Antonius quond. e'pus, &c. castru. et man'ium de castro Bernardi cu. p'tin. p. forisfacturam Joh'is de Balliolo, &c. man'ium de Hert et Hertnesse p. forisfacturam Rob'ti de Brus, &c. virtute hu'mo'i lib'tatum regalium capi fecerit in manum suam &c. Concordatu. est p. nos et totu. concilium n'rum in d'co parliamento n'ro q'd p'd'cus e'pus h'eat lib'tatem suam de hu'mo'i forisfacturis juxta tenorem et effectum chartæ p'd'ci proavi n'ri. Et ideo vob. mandamus, q'd de terris et ten'tis infra libertatem e'patus et p'd'cis locis de Norhamshire, &c. manum n'ram amoventes, vos de eisdem ulterius non intromittatis, &c. Teste meipso, &c. 15 die Feb. a'o reg. n'ri primo. Et 15° die Julij a'o s'p'd'co mandavimus p. quo'dd. aliud bre. n'ru Rog'o de Mortuo-mari tunc custodi castri Bernardi ac alior. terrar. et tentor. quæ fuerent Guidonis de Bello-campo comitis Warr. def'ti, &c. in hæc verba, &c. [*This part of the record before quoted at length in the notes to page 337.*] Nos autem tenorem irrotulamenti p'd'ci ad requisitionem ven. p'ri Walt'i nunc. e'pi loci p'd'ci duximus exemplificand. p. p'sentes. In cujus, &c. Teste meipso, &c. 12° die Nov. a'o regni n'ri 14°. Nos autem ob intuitu devotionem, qua. ad gloriosum confessorem sanctum Cuthbertum d'ce eccl'ie Dunolm. patronum, ac etiam propter spi'alem affectionem, quam ad ven. p'rem Walt'um, &c. o'ia et singula donaco'es, concessiones, &c. in o'ib's et singulis chartis et literis, &c. ac de deliberatione avisamento et consensu totius consilii in eod. parliamento, acceptamus, app'bamus, et ratificamus, &c. His testibus, &c. dat. &c. 10° die Nov. a'o reg. n'ri 15°. Nos autem ob reverentiam Dei, et interna. devotionem quam ad gloriosum confessorum

The earls of Northumberland and Westmorland, the mayor of Newcastle, and seven others, being commissioners, of whom the two first were of the quorum. The proceedings, though violent, proved a remarkable support of the immunities and privileges of the county palatine, and the bishop's regal authority and right.

The cardinal's several acts within his palatinate now call the reader's attention:* He expended the sum of 499£ 6s. 7d. in

s. Cuthb'tum d'ce eccl'iæ Dunolm. (alias Dunelm. d'ce) patronum; ac etiam p'p't. spi'alem affectionem quam ad ven. p'rem Thomam, nunc e'pu' loci p'd'ci (qui tam charissimo p'ri n'ro Joh'i nup. duci Lancastr. def to quam nob. in agendis n'ris regni n'ri, ab annis teneris laudabiliter deservien. et obsequiosum se exhibuit, et nob. exhibet inde fe'sse) gerimus et habemus; et o'ia et singula donationes, concessiones, confirmationes, redditionem, et revocationem mandata, precepta, voluntates, et declarationes, ac o'ia et singula alia in o'ib's et singulis chartis l'ris s'prad'cis contenta et specificata rata h'entes et grata; ea o'ia et singula p. nob. et he'dib's n'ris qua't. in nob. est, d. gra. n'ra spi'al. ac ex certa sc'ia n'ra et de delib'atione avisamento et consensu totius co'silij. acceptamus, app'bamus, ratificamus, et p. fat. nu'c e'po et succ. suis in p'petu'u, tenore p'sentiu. concedimus et confirmamus; sicut chartæ et l'ræ præd'cæ plenius testantur. Præterea volentes eid. e'po gra. fac'e uberiorem de avisamento et assensu p'd'c. concessimus et hac charta n'ra confirmavimus, p. nob. et he'dib's n'ris, q'd licet idem e'pus vel predecessores sui aut eor. ho'i'es aliqua vel aliquib's legum consuetudinu. quietudinu. lib'tatu. privilegioru. franchesiaru. quietantiar. et immunitatu. in chartis et l'ris p'd'cis vel aliqua earund. contentaru. aliquo casu emergente, hactenus usi non fuerint vel minus plene usi fuerint; Idem tamen e'pus et successores sui, et eor. ho'i'es, legib's, consuetudinibus, quietudinibus, lib'tatibus, privilegiis, franchesiis, quietantiis, et immunitatibus, p'd'cis, et car. qual't. de cætero plene gaudeant et utantur, juxta tenorem chartar. et l'rarm p'd'car. sine occ'o'e vel impedim'to n'ri he'd'u n'ror, justic escaetor. vicecom. aut al. ballivor. seu ministror. n'ror quor'cu'q. His testibus, &c. Dat. &c. 5° die Maii, a'o reg. n'ri 8°.——Randal's MSS. E. cop. Gab. Swainston.

* Rot. Langley.—Compot. W. Chaunceller constab. Dun. a fest. S. Mich. anno reg. Hen. V. quarto et pont. D'n'i Tho. e'pi Dun. 2° usq. i'de f'm. anno revoluto. 1416.

Joh'es Duresme rec. de Norham.

Lxxvj *s.* iij *d.* exit. et profic. cune monetæ Dn'i apud Dun. infra t'pus compoti ut patet. p. parcellas Malkini de Florencia cunatoris Dn'i inde fact. sup. hunc. comp. hostens et exa'iat videl't de qual't libra argenti ponderis Troje cunat vj*d.* et p. cont's. allamentum D'n'i Rici Bukley custodis sive Gardinar cuneor. hoc a°.

Lxix*l.* iiij *s.* rex de W'o Claxton mil. vic. Dun. de ex offici sui.

Cv*l.* rec. de Rob. Strangways mag'ro forestar. Dn'i tam de arr. qua. de ex. Petr. Grenwell instans.

Edificatio nove turris voc le Northgate hoc a° infra castru' Dun.

Inquisitio cujusd. t'ris voc. ad quod damnu. capt. p. fundaco'e cujusd.

Cantarie p. Joh'e Belasys defuncto.

Feoda, Reverendi in X'to p'ris Oswaldi Dei gra. epi de candida casa suffraganei D'n'i infra tempus. Compoti p' l'ram Dn'i de Warr. dat. Lond. 30 die Oct. a° p. n'ri duodecimo et indentur. ipsius suffraganei sup. compot. ostens' exa'iat et reman. int. warr. hujus anni 14 6 8

Rad'i Eure senesc. Dun.	40	0	0
Will'i Chaunceller constab. et rec. gen. ac canc. ...	40	0	0
Ric'i Norton cap. justic. D'n'i p. t'ro pasche	5	0	0
Jacobi Strangways sc'di justic.	6	13	4
Will'i Lambert servient D'n'i ad legem	2	0	0
Joh'is Beckwith el'ici justic.	4	0	0

Randal's MSS.

the reparation of the gallile; where he founded, or rather enlarged the endowments of a chantry, called in the old writers, a marble chantry, for two priests to celebrate daily mass there.* He founded two schools upon the Green Place in Durham, the one for grammar learning, the other for music. The sum of 838*£*. was expended in building the cloister to the priory at Durham, towards which the cardinal gave 238*£*. 17*s*. He erected the whole of the present gaol, with the gateway thereto, where an ancient gate stood, gone to decay. Before this edifice was made criminals and other prisoners were confined in cells and vaults in the towers of the castle. He made great improvements at the manor of Hovedon, and built the western gates to the cemetary-yard, with a beautiful lodge adjoining, where his arms are placed. He recovered by suit in the king's court, against the mayor and commonalty of the town of Newcastle upon Tyne, the third part of Tyne-bridge on the south end, with the tower built there by the mayor of that place, together with all privileges thereto appertaining.† He obtained a dispensation from the pope for erecting a baptismal font in the gallile of the church at Durham, where the children of persons excommunicated might receive the offices of the church, from which, otherwise they were prohibited.‡ He was a benefactor to the bridge at Rochester.§ In 1425 he granted an indulgence to all persons who should contribute to building a new stone bridge over the river Eamot, in the parish of Penrith, Cumberland. In 1410 he granted a like indulgence of forty days to all such as should contribute to the redemption of Simon Chandy, a burgess of Newcastle, and captive in war.‖ He granted licence to Ralph earl of Westmorland

* W. de Chambre.—Ang. Sac. 776.

† Wm de Chambre. Ang. Sac. p. 776.

" Seysenne and possession was taken for the said Bishopp's use by virtne of a warrant of atturnie from the Bishoppe, by Sir Raphe Urie, knight, and other two joyned with him, assisted by many knights, esquires, and others, some of whose names are subscribed, vixt. Knights of the Bishopricke,—John Lumley, Raphe Eurie, Robert Hilton, William Fulthorppe, William Tempest, Thomas Suerties, Robert Conyers, William Claxton, then sheriffe of the countie, John Cowycke, William Lumley, Thomas Lambert, William Eurie. Knights of the county of Northumberland,—Robert Ogle, John Bartram, John Widdrington, and John Middleton. Knights of Westmerland,—Christopher Morisby, William Osandlaw. Esquires,—Robert Eurie, William Bowes, John Conyers, William Lampton the elder, William Lampton the younger, Hugh Burninghill, John Mordon, William Billingham, John Bellys, Henry Tailboys, Thomas Garboys, John Hutton, William Kimton, Thomas Cooke of Fishburne, with other five esquires."

Hall's MSS. in the D. and Ch. Library, Durham.

‡ Ang. Sac. 776. § Lel. Itin. v. 6.

‖ Register. Langley 31.——Universis X'ti fidelibus præsentes l'ras inspecturis Thomas, &c. sal. cupientes p. allectiva indulgentiarum munera mentes fidelium ad caritativæ devotionis opera quantum cum Deo possimus propensuis excitare, Dei omnipo-

to empark forty acres of his lands at Whitworth, and all the lands late of Richard del Park, in Biers, which he had acquired, east of the road leading from Binchester to Willington, together with his Woods of Whitworth and Tudhoe.* He disforested certain lands at Chester, and licensed their being enclosed and brought into tillage.† Among the patent officers appointed by him are, a receiver-general, a clerk of the works, a surveyor-general, and a keeper of Franklin Park.‡

The plague raged in the city of Durham and its environs to that terrible degree, during the cardinal's time, that in 1416 he issued his proclamation to adjourn the great sessions. This visitation continued to carry off a multitude of people for five years.§

tentes misericordia beatissimæq. virginis Mariæ matris suæ ac beatorum Petri et Pauli apostolorum ejus, nec non sanctissimi confessores Cuthberti patroni n'ri omniumq. sanctorum meritis et precibus confidentes omnibus et singulis parochianis n'ris et aliis quorum diocesani hanc n'ram indulgentiam ratam habuerint, de peccatis suis vere contritis, penitentibus et confessis ad redemptionem Simonis Chandy de villa Novi Castri et n'ræ dioces, qui nuper per inimicos n'ros Franciæ erat captus, ac ibidem carceribus mancipatus quorum manus evadere non poterat priusquam se obligaverat dictis inimicis solvere pro ipsius liberatione magnam pecuniæ summam, quam fidelium elemosinis et auxiliis ipsis solvere non valebit, grata de bonis a Deo sibi collatis contulerint subsidia caritatis 40 dies indulgentiæ concedimus per presentes p. annu. tantummodo duraturas. Datas London in hospitio nostro die 8° mensis Martij A. D. 1410.——Randal's MSS.

* Rot. B. Langley, N° 54. Vide Whitworth, vol. ii.

† E. copyhold book, marked C. on the back, p. 550.—Ryton, 1413.——Halm. de Chestre, 3° die Maij, a'o pont. Thome 7°.—Randal's MSS.

‡ Rec. gen. and clerk of the works. Langley Rot. E.—Surveyor-gen. Langley Rot. A. N° 10.—Keeper of Franklyn Park. Langley Rot. C. N° 67

A. D. 1409 licence was granted to Ra. Neville, Earl of Westmoreland, to found a college at Staindrop. Vide Staindrop, vol. ii. E. mon. Ang. tom. iii. p. 11, 142.

A. D. 1410 he granted a licence to Sir Ra. Eure, to fortify his castle of Witton with a wall, and to embattle, encarnale, entower, and fortify the same. Rot. A. Langley, N° 22. Vide Witton, vol. ii.

A. D. 1422 the like to fortify Ludworth. Rot. E. Langley, indorso N° 50. Vide Ludworth, vol. ii.

A. D. 1431 the like to fortify Bradley-hall. Vide Bradley, vol. ii.

§ N°. 18. Rot. Langley B. in Cancel. Dun——Thomas, d. g. &c. vicecomiti Dunelm. sal. Quia tam propter gravem pestilentiam quæ in civitate nostra Dunelm. et partibus vicinis, adiu est duravit et adhuc quod dolendum est durat, quam quibusdam aliis de causis nos moventibus, omnes assisas iuratas certificationes et attinctas coram justiciariis nostris apud Dunelm. in comitat. Dunelm. arraiand. quæ coram eis die Jovis proximo ante festum S. Matthei apostoli restant capiend. ac omnia alia brevia placita coronæ et querelas coram eis pendentia usq. ad diem Lunæ proximum post festum circumcisionis d'ni duximus proroganda et adjornanda. Et ideo tibi præcipimus quod omnia brevia nostra originalia et judiciali coram præfatis justiciariis n'ris ad dictum diem Jovis retornabilia coram præfatis justiciariis ad dictum diem Lunæ in forma debita retornari facias. Dat. 15° die Sept. a'o pontif. n'ri 12° 1416.——Randal's MSS.

Commissions were issued, for arraying soldiers and equipping ships, by this prelate seven times in different years, viz. annis 3, 9, 12, 24, 29, 30, et 31. pont. sui. Rot. A. 26. dorso. Rot. 1. N° 1. Rot. B.

Spearman's Enq. p. 12.

In this prelate's time, prior John de Hemmingburg died, and John Wessington was elected his successor.

Com'issio e'pi ad inquirend. et restituend. mercimonia capta cum nave tanquam bona inimicor. p. certas p'sonas Novi Castri et quæ ad manus horum infra com. pal. devenissent. Sup. l'ras sub c'o'i sigillo villæ de Bruges certifican. q'd fuerunt bona burgensium d'cæ villæ de Bruges.—V. indulgentias p. d'c'm ep'm concess. o'ib's qui eleemosyn. et pecunias darent pro reparac'one Lamesley-brig ultra aquam de Tame 1426, Rog'ro e'pi fo. 130;—reparatione pontis de Corbrig ultra aquam de Tyne ib'm fo. 137;—Hayden-brig ultra Tyne fo. 147;—pro pontis ultra Tyne juxta vill. Novi Castri ib'm fo. 160, et p. ponte faciendo inter Halghton et Burdon 1430 fo. 176.

Bre. e'pi de p'clamac'one faciend. q'd o'i'es ho'nes parati sint an p'ficiscend. et defendend. versus Scotes.

B'p Langley by his writ to the sheriff of Durham "*Ad intendend. Johanni comiti Huntingdon admirallo regis versus Boream, vel ejus deputat per commissionem suam constitu. in arrestando naves pro servitio domini regis, vel faciend. alia officium admirallitatis tangentia secus litus maris infra regiam libertatem episc. Dunelm. regalibus libertatibus nostris et consuetudinibus eccles. n'ræ Dunelm. d' antiquo tempore usitat. in omnibus semper salvis.*" Rot. D. N° 3 15 K. H. VI. 1437.—Ibid. Enq. p. 15.

B'p Langley granted an aid to the town of Hartlepool in the time of K. Hen. IV. Rot. B. N° 15. dorso.———Ibid. Enq. p. 16

He granted a commission in the time of K. Hen. IV. or V. to enquire touching the collection of a subsidy for the king. Rot. C N° 50———Ibid. Enq. p. 16.

Thomæ Langley, episc. concessio mercat. de Stanhope. Per chart. H. Pudsey episc. temp. K. Hen. II. 1143. Rot. E. N° 7°.——Ibid. Enq. p. 18.

In the times of K. Hen. IV. and V. he granted commissions "*Roberto Jackson, coronatori suo in warda d' Easington,* and inquisitions were taken thereon *d' bonis et merchandizis per naufragium infra regiam libertatem Dunel. viz. infra wapentagium de Sadberge, eaque restituend. mercatoribus proprietor.* Rot. Langley. N° 27. 28th, 26th July, a'o 26th pont.——Ibid. Enq. p. 21. *Vide commission per dict. episc. d'attornatio faciend. inde pro mercatoribus alienigenis.*———Ibid. Enq.

Commissio T. Langley episc. 3d Feb. a'o 14 pont. sui, 7° Hen. V. 1420. Radulpho d'Eure chivalier, Richardo d' Norton, Jacobo Strangeway, Thomæ Fulthorpe, Christophero Boynton, Willielmo Chancellour, Roberto Strangeways, and Johanne Aislaby, ad inquirend. super defect. aquar. secund. statut. et commune passagium navium et battellorem in magnis ripariis, &c. Salvis episc. omnibus amerciamentis. Rot. Langley B. N° 48. 1420.———Ibid. Enq. p. 27.

The other commissions of the like nature. Rot. E. N° 41. 19 pont. Ibid. N° 3. 24 pont.. Rot. C. N° 63. 31 pont.———Ibid.

Three commissions per Langley episc. ad inquirend. super defect. piscium aquaram, i. e. d' salmonibus non capiend. in tempore juxta statut. de Westm. 2 et 3.—Ibid. Enq. p. 29.

In the account of Sir Wm Claxton, knight, sheriff and escheator, 1416.——— Wreccum maris. Et de precio unius corde vocat cable invent. apud Sheles provenient. de wrecco maris hoc anno 11°.

Et de precio unius battelle cum toto apparatu et aliis rebus, &c. et panno rusceto provenien. de wrecco maris anno preceden. 46*s.* 8*d.*

In the account of Robert Eure sheriff and escheator, a'o 142°.—Wreccum maris. Nil hoc anno preter unam navem rem. apud Hartlepool in custod. Joh'es King.

A° 1423.——Catall. felonum fugit cum deodand cum wrecco maris. De un battell. quæ fuit causa mortis diversorum hominum apud Hartilpole. Nec de 1 mast &c. Et onerat de 6£ 12*s.* de bon. et catall. Will'i Duncomb et Ric'i fratris sui felonum, &c.

1425.——De Thesaur, invento, &c. Nil.

Et de precio catall. vagor. et extrahur, hoc anno 16*s.* 6*d.*

De precio unius battell. &c. apud Hertilpole 6£. 13*s.* 4*d.*—Et de 20£. de precio unius propace provenient. de wrecco maris apud Stranton, et de 4£. de precii ij porpace provenien. de consimili wrecco apud Seaton et Greatham.

The cardinal departed this life on the 20th day of November, A. D. 1437, and was interred, agreeable to the directions of his

Besides the before-mentioned records of acts of jurisdiction, we find the following: The appointment of a bailiff of the manor of Gateshead, in the year 1415. Langley, rot. b. N° 11.—Licences to purchase in mortmain; letters patent for founding a chantry; pardon granted on an outlawry, &c.; and in the line of ecclesiastical matters, a dispensation for marriage within the degrees, &c.

Feoda Joh'is Heppell gaolator Dun. 5 0 0

—— Will'i Thornburgh cl'ici justic. D'n'i ad pacem ... 2 0 0

In stipendio Joh'is Claiton et Joh'es Arteys capellor D'n'i d'ia celebratur. in qua'd Cantar. p. D'n'u ordinat. infra capella. be. M. virg. infra monast'ium Dun. p. l'ra D'n'i de warr. &c.

Sol. p'positis eccl'ie S. Andree de Auckland et p'oianis ad edificaco'em camponilis ejusd. eccl'iæ de dono D'n'i p. l'ra D'n'i de warr. 6£. 13s. 4d.

Will. Malberthorp cl. un. auditorium.

Rob. Frend alt. auditorium.

Mag. Rad'us Steel offic. D'n'i.

Cristefor Moresby chiv. nup. vic. Westm'l.

Joh'es Neuton rec. gen'l.

Compot. Will. Chaunceller constab. ab. a° Tho. e'pi 14° (all the same officers except.)

Will. Raket cl'ici cancellar. (no mention of W. Lambert.)

Ric'us Barton cl'icus op'm et instaur.

Will. Claxton chiv. vic. Dun. Et Rob. Strangways M. Forestar.

Solut W'o f. Joh'is Ingelby ap. Oxon. studenti, cui D'n's p. l'ram de war conces. cvj. s. viij. d p'cipiend. an'uat qua'diu placu'it ad exhibico'em suam.

Tho. Holden cam'ar D'n'i.

Compot. W. Chaunceller constab. ac rec. gen. a fe. S. M. a° K. H. VI. 3° et p. D'n'i e'pi xix° usq. id. f'm S. M. a° R. p'd'ci 4° et p'd'ci e'pi 20°—1424.

Rob. Strangways M. forestarius.

Joh's Duresme rec. de Norham.

ijl. de ex cune monete ap. Dun. infra t'pus compo'i, &c. cunat iiij*d*. p. contra rotulamentu. Ric'i Bukley, &c.

Petrus Grenewell instaur.

Feoda mag'ri Rob. Forston suffraganei D'n'i infra tempus comp'i, &c. ... 14 6 8

——Tho. Holden sen. cap. Dun. 10 0 0

——W. Chaunceller constab. rec. et canc. 40 0 0

——Jacobi Strangwys cap. justic. 10 0 0

——Nich'i Conyngeston 2 d'ar justic. 6 13 4

——Joh. Bekwith cl'icus justic. 4 0 0

——Joh Aslakby attorn. gen. D'n'i 2 0 0

——Will. Thorneburgh cl'icus justic. D'n'i ad pace. ... 2 0 0

——Will. Raket. cl'ici canc. 2 0 0

——Joh'is Artays cap. Cantarie D'n'i in cap. B. M. in monast. p. l'ra. 6 13 4

——Tho. Thorneburgh cl. opu.—Ric. Bukley rec. gen.—John Ratcliff thesaur. hospicii D'n'i.—Ri Bukley cl. opu. infra castru.—Mag. Tho. Leys decan. eccl'ie—Randal's MSS.

For further matter touching this bishop, vide 'Monuments,' p. 120. Dugdale's Hist. ch. D. p. 79.——Grey's MSS.

The See vacant.—Guardian.—K. Hen. IV. appointed 20th Mar. 1405, his son John duke of Lancaster; but first June granted the temporalities to Ra. de Eure and Pet. de lay Hay, for the use of T. Langley, bishop elect, in consideration of 600£. paid into the king's exchequer at Westminister, revoking the letters patent granted to his son.

will, dated 21st Dec. A. D. 1436, in the chantry, founded by him, as before mentioned, in the gallile. A table of marble is placed on his tomb, on the foot of which his coat armour is sculptured, but no inscription.

A short vacancy of the See took place, before the appointment of

ROBERT NEVILL,

who was translated from the bishopric of Salisbury, by papal provision, on the 27th day of January 1437. He was the son of Ralph Neville earl of Westmorland, by Joan Beaufort, the daughter of John of Ghent duke of Lancaster, by his last wife Catharine Swinford.

During the vacancy of the See, Richard Nevil earl of Salisbury held the guardianship, by the king's appointment.* The prelate did homage and received the temporalities, on the 8th day of April 1438: He was consecrated bishop of Salisbury in the year 1427, and in that See discovered a peaceful and benevolent disposition. In the royal letter to the pope, requiring his

Seneschal,—Ra. de Eure chiv. sen. oc. in festo S. Marg. virg. a° 7 Hen. IV 1406.
Thomas Langley, chancellor of England, bishop: Elected 7th May 1406; consecrated 8th Aug. 1406; temporalities restored 9th Aug. 1406; lord chancellor again; made a cardinal; died the 20th Nov. 1437.

Officers of the See during Bishop Langley's time.

Sheriffs and escheators,—Percyval de Lyndely, ap. 24th Aug. 1406.
Will Claxton chiv. ap. 2d June 1415; the bishop's mandate to Lyndely, late sheriff, to deliver all the rolls, briefs, presentments, &c. to the said W. Claxton, dated the same day.
Rob. Eure, ap. 2d Jan. 1419. Claxton's supersedeas dated 4th Jan. 1419.
Will. Bowes chiv. ap. 6th May 1436. Eure's supersedeas dated the same day.
Wm Mylott de Whittell, esq; under-sheriff, oc. 9th June 1433.
Robert Ogle, knt. ap. 4th Oct. 1437. Bowes's supersedeas dated the same day; mandate to deliver all the prisoners in the gaols of Durham and Sadberge, and the handcuffs, fetters, chains, &c. to Rob. Ogle chiv. dated 5th Oct.
Chancellor,—Will. Chaunceller, arm. oc. canc. 24th Aug. 1406, and continued chancellor till the death of Langley.
Constable of the Castle,—Will. Chaunceller, esq; oc. 1406. Vide rolls in the auditor's office. Again, 8th Sept. 1437. Rot. D. Langley, indorso.
Senescals,—Ra. de Eure, knt. oc. Mar. 6th, pont. Langley 16, 1421, p. Cop. B. C. 1236; ob. 10th Mar. 1421; inq. p. mort. 17th Sept. 1423.
Tho. Holden sen. oc. ult. Sept. 1422; again 1437. King's brief to Tho. Holden to deliver the rolls of the court to Rob. Eure, dated 24th Jan. 1437. Rot. A. Nevill, N° 6.—Tho. Holden arm. Guido de Rocliffe et soc. sui commissarii e'pi, oc. 9th Jul. 1422. Cop. B. C. p. 1239.
Attorney-general, John de Beckwith.
John Aslakby.
Wm. Raket, 20th Aug. 1425, appointed during pleasure.——Randal's MSS.

* A senescal, sheriff, and escheator, were also appointed by him.

translation, he is stiled "*Consanguinum suum charissimum, ex præclarissima familia oriundum.*"*

By repeated truces the affairs of the borders were kept in a tolerable quiet state, and no open rupture took place during this prelate's time: Scotland had received a severe blow in the murder of king James I. on whose death an infant prince (James II.) acceded, then only seven years of age: The minority of this sovereign, and the weakness of the wretched king of England, occasioned both states to cherish terms of peace:† The fierce fight in 1436, between the Northumbrians led by Percy, and the Scots under Douglas, occasioned a provision to be made in the truce, which was agreed upon soon after king James II.'s accession, in order to protect the peace of both nations, for preventing such assemblings of armed bands, under pretence of hunting, in districts not their own.

Our bishop appears in several commissions for negociating truces with Scotland, particularly in 1449 and 1451; and the city of Durham was, in his time, the seat of many conventions of the delegates of the two nations.‡ Notwithstanding the turbulent state in which England was involved, under the unhappy influence of the queen and her favourites, the duke of Suffolk, and his successor the duke of Somerset; and the insurrection of the duke of York, at the head of whose adherents were the earl of Salisbury and his son, shortly afterwards earl of Warwick, by intermarriage with Ann Beauchamp, heiress of that title; yet it does not appear the bishop of Durham or his province was in any manner engaged in the momentous events which took place in that æra. It is therefore difficult to form any competent idea of this prelate's character, other than that he appears to have been a lover of religious peace and retirement.

The only public edifice attributed to bishop Nevil, is the building on the Palace Green, now called the Exchequer, over the door of which his arms are placed. This place was constructed to contain the palatine offices, with halls for holding the sittings of the bishop's chancery and court of pleas. The temporal chancellor of the province still sits there.

* W. de Chambre.—Ang. Sac. p. 777.

† Rev'end father in God, right trusty and right well beloved cousin, we grete you well: And albeit that p'clamac'on was late yt all man'er p'sons born in Scotland sh'd void out of the p'tyes of the north from Trent forth, or else to come in to the p'tyes of this side Trent, yet natheless for diverse consi's & causes shewed unto us, we late you wete hit is agreable unto us that by your discrecon all that be within your franchise of the county palatine of Duresme abide still therein, ye said p'clamac'on notwithstanding. Given under our signet, at our manor of Eltham, the xxiiij day Feb'ry. Hen. VI, anno xxvij.°—Rudd's MSS.

‡ Border Hist. p. 407, 408, &c.

In the year 1448 the king made a pilgrimage to the shrine of St Cuthbert, but on what occasion is not said. In Randal's MSS. are two remarkable records touching this act of piety of the sovereign, which the reader will see in the notes.*

On the death of the earl of Warwick, a false return was made by Robert Rhodes on the writ of *Diem clausit extremum*, touching the earl's possession of Barnard-Castle, on which he afterwards made a recantation, by way of reversion of the errors of the inquisition taken by him; of which see a singular record in the notes.†

Among the acts of this bishop are some singular patents and

* De adventu regis Hen. VI. ad eccl'iam Dunelm.——Illustrissimus, benignissimus, graciosisimus et omnibus cum intuentibus amabilis. Rex noster Henricus Sextus post conquestam visitavit tombam sancti Cuthberti, pontificis in Dunelmo, causa peregrinationis, A. D. 1448: a'no papatus d'ni Nicholai 5ti. 2°. regni regis ejusdem Henrici 26° a'o; ætatis ejusdem xxvii°; a'o pontificatus domini Roberti Neville Dunelm. epi xi°, et a'o prioratus d'ni mag'ri Willi'mi Ebchester sacræ paginæ professoris in theologia ii°; litera dominicalis F. C. vi° kal. Octobris. Et mansit in castello d'ni e'pi in Dunelmo usq. in ultimum diem ejusdem mensis, hoc est pridie kal. Octobris in s'ti Jeronimi presbyteri, et in die dominica, in die s'ti Michaelis archangeli, in propria persona erat, in primis vesperis, in processione, in missa, in secundis vesperis.

Litera d'ni regis Hen. Sexti mag'ro Joh'i Somerset, missa A. D. 1448—" Right trusty and well-beloved, Wee greet yow hartly well, letting yow witt, that, blessed be our Lord God, we have been right merry in owr pilgrimage, considering jij causes, one is, how that the church of ye province of York and diocesse of Durham be as nobil in doing of divine service, in multitude of ministers, and in sumptuous and gloriouse buildinge as anie in our realme. And alsoe how our Lord has radicate in the people his faith and his law, and that they be as catholike people as ever wee came among, and all good and holy, that we dare say ye 1st com'andem. may be veriefied right well in them, *Diligunt Dominum Deum ipsorum ex totis animis suis, ex tota mente sua.* Also they have done unto us all great hertly reverence and worshipp as ever we had, with all great humanity and meekness, with all celestial, blessed, and hono'ble speech and blessing, as it can be thought and imagined, and all good and better than we had ever in our life, eaven as they had beene *celitus inspirati.* Wherefore we dare well say, it may be verified in them ye holy saying of ye prince of the apostles S. Peter, when he sayeth, *Deum timete, regem honorificate. Qui timent dominum, et regem honorificant cum debita reverentia.* Wherefore the blessing yt God gave to Abraham, Isack, and Jacob, descend upon them all, &c. Wryten in our citty of Lincolne in crastino stæ Lucæ evangelistæ, 1448." Randal's MSS.

† " Be it remembre, yt I Robert Rodes satt at the castell in ye Newcastell upon Tyne, in the counte of Northumberland, by force of a writ of " Diem clausit extremum" after ye death of the Erlle of Warwyk, and yer toke an inquisition of the castell of Bernarde Castell, in ye Byshopryke of Dureham, and enformed yam that war swern, in ye said inquisition, that ye said castell of Bernarde Castell was in the counte of Northumber, qwar in trute ye liberte and title of ye chirch of seynt Cuthbert of Dureham qwylk me for repentise, qweirfor I beseke my lorde of Dureham of his grace and absolution at the reverence of Ihu. Wretyn of myn owne hande at Dureham, ye xxx day of Aprill, ye yer of ye reign of Kyng Edward ye iiij the fyrste (1461)." ——Ex autographo ipsius Roberti script. in antiquiss. rentali e'pi Dun. immediate in fronte libri inscript. Boldon Buke——Randal's MSS.

appointments, and some officers not noted before, viz. an armourer, a chief chamberlain, and master of the horse.*

* Rot. A. Nevil 118.——Rob. &c. Sciatis, &c. co'cessimus Ric. Raket offic. et custodiam armor. n'ror in guarderobe inf. castr. n'ru Dun. existen. h'end. et occupand. offic. illud ad t'miu. vite sue cum uno garcione sub se in eod. offic. p'ciendo, &c. p. seipso vigi'ti et sex s. et octo d. ad festam s. Cuthb'ti in m'cio et Sept. equis p'co'ib's p. manus coronatoris warde Cestrie, &c. et p. d'co garc'one tresdecem s. et quatuor d. &c. Randal's MSS.

Rot. B. Nevill in dorso, N° 19.——"Robert, by the grace of God, Bushop of Duresme, to our well-beloved Robert Constable, greeting. And for as much as for divers causes yt moveth us, we be purposed and holy determined to have maister Robert Beaumont our chancellar of Duresme, we will and charg yowe yt ye gret seale of our chancellar, with all manner of records, minyments, and evidants beying in yr warde, doo deliver to ye sd maister Robert, remoyvyng your hands from the saide office and occupation of chancellarship bi warrant of thies. Gifing under our prevey seale at Wynchester ye 27 day of Sep. in ye yer of our translation ye iii."—Mem. q'd ista l'ra vj die decem. anno, &c. ad horam decimam ante nonam inf. monasteriu. Dunelm. in p'sencia mag'ri Joh'is Norton, cl. vic. gen'alis in sp'ualitate et Rob'ti Eure, ar. deputate capital. sen. Dun. p. p'fat. mag. Rob. Beaumont p'd'co R. Constable lib'tat. fuit.

He was also receiver-general.——Robert Constable was buried in Bessal church, near York. His effigies done in armour in brass, fixed on the tomb-stone.——Ibid.

Rot. M. Neville, N° 129.——Rob. &c. Sciatis, &c. assignav'imus, et ordinav'imus, et co'stitu'imus, dil'c'u. armig'u. n'ru Rob. Bulloke, magistrum equor. nostr. h'end ex'cend. et occupand. offic. illud cid. R. cu. in s'vic'o n'ro stet't ad t'min. vite sue p'cipiendo de nob. p. feod suo quinq. m'cas p. ann. solven. sibi p. manus receptoris n'ri gen'alis sc'cij Dun. &c. Dat. xx. Ap. a'o p. n'ri xi° 1448. pre. bre. de pr. sig.——Ibid.

Rot. A. Neville, No 35.——Rob. &c. s. cum nos nup. appu'ctuavimus et no'iav'mus carissimu. f'rem n'rum Geo. Nevill d'num Latymer capitale. cam'ariu. n'ru. Sciatis nos co'cessisse eid. f'ri n'ro officium cap. cam'arii n'r. h'end. et occupand. offic. p'd'c'm ad t'miu. vite sue p. se v'l deputatu. p. nos de te'pe in te'pus ad libitu. n'r'm no'iand. &c. capiendo an. p. offic. p'd'co faciend. ad t'minu. vite sue quadraginta libras ad sc'c'm n'ru. Dun. p. manus co'stabular. sive receptor. gen. &c. In cujus, &c. pat. dat. xxij die Dec. a'o p. n'ri primo. p. br. de pr. sig——Ibid.

Rot. M. Neville, N°. 131. L're patentes Joh'is Neville, fil. Rad'i Neville, mil. f'ris n'ri subcam'rij.

Rot. ib. N° 72. L're pat. Humfredo Dacre, subcam'ario.

Rot. A. Nevill, No 100. De officio suffraganei Tho. d. g. Dromoren. ep. p. termino vite co'cesso 10 Sep. 1441. p. feodo suo, xiij*l.* vjs. viij*d.*

Rot. A. Nevill, N° 22. L're pat. Rob. Eure p. Halmot. tenend.

Ibid. No 92. Pat. Will'o d'no Facunb'g (fra. ep.) de offic. senescali Dun. 40*£*.

Ibid. No. 93. De gub'nac'o'e tenentium d'ni, 60*£*.

Rot. M. Nevill, N° 130. L're pat. (Joh. Harpur, jun.) de officio for ea rii. alte foreste de Werdale.

Rot. X. Neville, N° 19. De gen'alia attornato (Joh. Stafford) d'ni co'stituend.

Rot. A. Nevill, No 34. De auditoribus constitut.

Rot. A. Nevill, No 133. Co'issio de wardis et rel'viis et aliis co'celat. et detent. a d'no in co. de Norham.

Rot. A. Nevill, No 173. De officio custod. armor. e'pi in gardaroba in cast. Dun. Rog. Raket.

Rot. M. Nevil. No 115. L're pat. Rob. Kelsey de officio cl'ici, mercati, et custodi sigilli ulnag.

Ibid. N. 127 and 128. De fraternitate sive gilda in honore s'ti Cuthberti facta inf. galoleam mo'ast'ij Dun. et licentia ejusd. fraternitat. p. terr. et ten. adquirend.

Ibid. No 93. Licence for Tho. Lomley, mil. to emparke his woods, &c. at Stanley, in the forest of Weardale.

Bishop Nevill departed this life on the eight day of July, 1457, in the 20th year of his pontificate; and notwithstanding his re-

Ibid. No 95. Edw Clayton, surveyor general, by l'r's pat. o'iu. dominicoru. castror. man'erior. mineraru. molendinor. terr. et tenementor. quorumcunque, &c. infra e'patum.

Rob'to Bates, cl'ico vic'io de Norton, ac cl'ico miner. plumbi d'ni apud Herthorp sup. lucra miner. ibid. p. Joh'is Hoggeson, col. de South-bedborne de d'co a'o xviij° denar. liberantis p. l'ram d'ni de warr. sub signeto suo dat. xix. die Nov. sup'd'co a'o xix° (1456).——From the auditor's office.

Comp'us Rob. Conestable, canc. et rec. Dunelm. a fo. s. m. a'o p. Rob. Nevill. primo usq. ad id f'm a'o ejusd. e'pi s'c'do.

—— Tho. Lomley, mil. mag'r forestarius.

——Lx*is.* iij*d.* rec. de c'm xlvij*l.* argent. p'vent. de exit. cunie monete ap. Dun. infra t'mpus comp'i. ut patet p. p'cellas alani Bedale cunatores d'ni inde confect. sup. hu'c comp. ostens. et exa'i'at videl't. de qual't. libra argenti pond'ris t'o'i'e cunat *vd.* per cont. &c. W. Raket, custodis me Gardiani cunie. Feoda et regard.—Rob. Eure, deputat. cap. sen. xxx*l.*—Rob. Constable, canc. et rec. Dun. xl*l.*—Jac. Strangways, cap. justic. Dun. x*l.*—Rob Danby, attorn. gen. lxvj *s.* viij *d.*—Christof. Boynton, sc'dar. justic. vj *l.* xiij*s.* iiij *d.*—Rich Weltden, cl. justic. D'n'i, 4*£.*—Ric'us Raket, cl. justic. d'ni ad pacem xl*s.*.—W. Raket, cl. cancellarie Dun. xl *s.*—Rob. Strangeways, cam'arius D'n'i, xx marc. p. ann.—Agnetis Janyn, quond. nutricis D'n'i xl *s.* per ann.—Rob. Werdale, nup. cl. op'um man. &c.—Tho. Maldsen, nu'c cl. op'um infra e'pat. &c.——Randal's MSS.

Syllabus, &c. Rymer capitula actoram dat. regnante Hen. VI. vol. ii.

A. D. 1455, 33 Hen. VI. syll. 132. Pro episcopo Dunolm. et inhabytantibus in espiscopatu suo, de exoneratione ab inveniendo saggittariis.

1437, 16 Hen. VI. De licentia eligendi episc. Dunelm. (on the death of card. Langley, p. 681.)—Rymer's Fœdera, vol. x.

1438, 16 Hen. VI. De restitutione temporalium pro Rob. Nevill ep. Dun. 698.—Ibid.

Commissions for arraying landmen, by bishop Nevill twice, viz. 10 et 18 pont sui. temp. Hen. VI. regis, A. D. 1438 et 1446. Dom. 34, 20, 24. Rot. Nevill X. N° 78, D. N° 3.

For arraying ships, by Bishop Nevill four times, by writs to the sheriffs of Durham, and Sadberge, and Norham, reciting the king's writ, annis 16, 17, et 21 Hen. VI. ad intendend Johanni comiti Huntingdon admirallo regis: And the fourth writ anno 23 Hen. VI. regis ad intendend Johanni Nevil militi (nepoti episc.) deputat dicti Johannis comitis Huntingdon admiralli regis Angliæ pro uno anno. Rot. Nevil B. N° 33, 51, 17. Rot. AA. N° 25. A. D. 1440, 43, 46, 82.

Royal Fish and Wrecks. Com. Thomæ Langley militi et aliis. Teste Roberto Beaumont cler. cancellario suo pro nave fract. apud S. Shields infra regiam libertat. episc. Rot. Nevil X. N° 50, 51, 4th Apr. a° p. 8, 24 Hen. VI. A. D. 1447.

Concessit consanguineo suo Thomæ Lumly militi et dominæ Margaritæ uxori suæ omnimodas wreccas, ratione fluxus et refluxus maris infra dominum de Stranton et Seaton Carew, in n'ra regia lib'tate Dunelm. accidentes, ac nobis quovismodo pertinentes, habend. eis durantevita nostra, reddend nobis inde annuatim ad scaccarium nostrum Dunelm. pro eisdem wreccis 3*s.* 4*d* ad t'minos consuetos, *reservanda tamen nobis dimidia parte piscium regalium, et magnarum navium ibidem ejectarum.* et alia parte remanente pænes præfat. Thoma et Margarita pro eor. labore et custodia durante termino præd.—Rot. Nevil D. N° 28. 4th Feb. a° 19, pont.

Conservatorship of Rivers, &c. Com. p. Rob. Nevil pro aquis de Weare et Tease, &c. bis—Rot. Nevil A N° 51, 25th May, 2 pont. N° 84, 11th May, 4 pont.

Com. ad inquirend. super defect. piscium aquarum per Rob. Nevil episc. ac Laurentium Booth episc.—Rot. A. 1. Rot. A. 50, 88. Rot. X. 32. Rot. M. 23. Rot. E. N° 16. Rot. C. N° 62.

quest to lie near the remains of St Bede, he was interred in the family vault on the south side of the church at Durham; and a

Pro Yares. Breve dicti Rob. Nevil episc. vicecomiti Dunelm. ad præmuniend. vel scire faciend, separal. personis infra nominat. ad diminuand. seu amovend. seperal Yares erect. in aqua d'Weare contra statut. ante festum Sancti Bartho. apost. prox. sub. pæna 100 mercar. Episc. solvend. juxta statut. super inquisition. capt. coram Tho. Lomley militi et sociis suis justiciar. episc. per commission. suam ad supervidend. aquam præd. viz. Versus Robert. Jackson pro Yares vocat. Marle Yare et Chestan Yare, versus. Johan (Wessyngton) priorem Dunelm. pro Drilad Yare, versus Johan. Hedworth, pro Owens Yare, versus Lomley chivilier pro Outlaw Yare, versus Williel. Bowes mil. pro Rowden et Biddicke Yares, versus Robert. Hilton mil. pro Weydiles Yare et Synden Yare, quas cum pilis palis et sepibus nimis excessive' in profundior partibus aquæ præd. in filo ejusd. aquæ posuit, levaverunt et injuste construxerunt, per quas filus aquæ præd. totalit. est obstruct. ita quod homines commune passagium ibidem cum navibus naviculis, battellis et keeles habrere. Nec salmones nec salmoniculi per filum aquæ præd. transire non possunt prout ante hæc tempora transire solebant. contra formam statut.—ad nostri grave dampn', et totius communitat' regiæ nostræ libertatis Dunelm. depauperationem manifestam.—Rot. B. Nevil, N° 87, 1440.—Spearman's Enquiry.

A. D. 1447, he awarded his commission to Sir Tho. Lumley, knt. and others, to enquire *de bonis et mercimoniis quæ per naufragium devenissent ad litus maris infra regiam libertatem Dunelm.*

The See vacant.—Guardian, Rich. Nevill earl of Salisbury, brother to the bishop, ap. 28th Nov. 1437.

Sheriff and escheator,—Rob. Ogle chiv. ap. 8th Jan. 1437.

Chancellor,—Will. Chaunceller.

Constable of the Castle,—W. Chaunceller, ob. 30th Jul. 1439.

Senescal,—Rob. Eure, esq; 8th Jan. 1437, ap. by the king during pleasure. King's brief to Tho. Holden to deliver the rolls of the courts to Rob. Eure, dated 24th Jan. 1437.—Rot. A. Nevil, N° 6.

Rob. Nevill, bishop of Sarum. Provided by the pope 27th Jan. 1437; did homage and had the temporalities 8th Apr. 1438; died 9th Jul. 1457, 20th of his pontificate.

Officers of the See during the time of Bishop Nevill.

Sheriffs and escheators,—Rob. Ogle chiv. ap. 16th Apr. 1438.

Will. Pudsay, esq; ap. 1st. Oct. 1438.

Geffry Midleton, esq; ap. 5th Dec. 1441. Pudsay's supersedeas dated the same day. He had an annual salary of 100*s.* (8th of Nevill) for life.

G. Midleton appointed again for life 15th Nov. 1445, his yearly fee 10£. [N. B. This is the only appointment of a high sheriff for life that is to be found in the rolls.] He oc. again 8th June 1456.—Rot. D. Nevil, N° 19.

Gaoler,—John Blenkarne, *gaolator et junitor castri Dun.* during pleasure, 12th Apr. 1441.

Temp. Chancellor,—Will. Chaunceller, oc. 6th Jan. 1438; again 18th Mar. 1438; ob. 20th Jul. 1439.

Rob. Conestable, oc. canc. 1st May, 1439.—Vide Madox's Form. p. 146.

Rob. Beaumont, cl. ap. 27th Sept. 1440; oc. 20th Mar. 1447.

Joh. Lounde, cl. oc. canc. 9th Sept. 1448; oc 28th Mar. 1452.

Hen. Preston, esq; oc. 5th Oct. 1452; again 8th June 1456.

Joh. Lounde, cl. oc. again 20th Jan. 1456. He was L. B. rector of St John Baptist in L. 4th Jul. 1445; rector of Wimbish in Essex 1433. —Vide New. vol. ii. p. 673.

marble table monument, ornamented with inlaid brass, was placed over his tomb. The stone is still remaining, but the brass-work stolen.

Prior Wessington died in this prelate's time, and was succeeded by William de Ebchester, D. D. A. D. 1446.

The See continued vacant until the 15th day of September, during which time no business was transacted in the chancery at Durham, as the king did not send down a great seal, as usual, to a guardian of the temporalities. On the death of bishop Nevill, the king sent recommendatory letters to the pope, dated the 12th day of July 1457, in favour of John Arundel, his physician and chaplain; but, at the intercession of queen Margaret, who had at that time the sole management of the realm,

LAWRENCE BOOTH

obtained the See. He was the son of John Booth, of an ancient family, resident at Barton in Lancashire,* by Maud, the daughter of Sir John Savage, knight, of Clifton. Was provost of Be-

Constable of the Castle,—Hen. Preston, esq; ap. for life 12th Apr. 1438; ann. feod. 20 marks.—Rot. A. Nevill, N° 101. Appointment dated London, *sub magno sigillo antiqua.*

Senescals,—Rob. Eure, Esq; ap. during pleasure 15th ap. 1438.

Will. D'nus de Facunberg (fr. e'pi) ap. for life 12th Ap. 1441. He was made governor of all the bishop's tenants (with an annual salary of 60£.) for life, on the same day.

Tho. Nevil, knt. nephew of the bishop, by indenture dated 16th Nov. 1442. 13th Nov. 1446, Tho. Nevyle, mil. oc. sen. p. 807, the last leaf of the copyhold book marked D (supposed deputy.)

Attorneys General,—Robert Danby.

John Stafford, ap. during pleasure 3 Apr. 1444.—Randal's MSS.

He had also a serjeant at law, &c.——Concessio Thomæ Quixley *servien. de legem* Rob'ti e'pi Dun. *ac juris periti de concilio suo.* Rot. cl. M. N° 19. Howdenshire. ——Mickleton's MSS.

* The present baronet of the name of Booth, is of this ancient and honourable family.——Noble.

Laurentius Booth consecratus est in episcopum Dunelm. 25 die Sept. apud Sherburn in Elnet A. D. 1457, et remansit in episcopatu Dunelm. 20 annis. Iste portas totas lapideas collegii apud Auckland, aliaque ædificia eidem portæ in utramque partem annexa proprio sumptu construxit. Deinde translatus fuit ad archiepiscopatum Eboracensem in die S. Birini episcopi; *sepultusque jacet apud ecclesiam de Cawood prope civitatem Eboracensem*—W. de Chambre.—Wharton's Ang. S. p. 777.

Laurentius Booth canonicus Eboracensis admissus est 1453, 22 Martii, archidiaconus Richmond 1454, 21 Aug. aulæ Pembrochianæ apud Cantabrigiam præses ante episcopatum fuit; eandemque præfecturam collegii ampliandii studio usque ad obitum tenere non aspernatus est. Dunelmensum episcopatum nescio quo fato adeptus fuerit. Post Roberti enim obitum rex Johannem Arundel sacellanum et protomedicum suum literis 1457, 12 Julii scriptis papæ commendavit. Laurentii consecrationem Williel-mus recte designavit. Summus Angliæ cancellarius 1473, 5 Junii constitutis est. Eboracum translatus 1476, 1 Sept.—Ex registris ecclesiæ Ebor. et Bothe Hereford. claus. 13, E. 4, M. 3, et historia Ebor.——Wharton, p. 777.

verly in the year 1437, obtained the rectory of Cotenham in Cambridgeshire the 6th of March 1444, and ordained priest in 1446. Was keeper of the privy seal in the year 1450, and then resigned Cotenham; and the same year was elected custos of Pembroke Hall in Cambridge, and continued in that office till his death. Admitted a canon of York on the 22d of March 1453, and was also a canon of London and Litchfield.* On the 21st of August 1454, he was made archdeacon of Richmond in Yorkshire, and also held the Archdeaconry of Stow in Lincoln cathedral; in the same year was made chancellor to the queen. He was chancellor of the university of Cambridge; and, during that office, settled a dispute that subsisted between King's College and the university. On the 15th day of September, 1457, Booth was constituted bishop of Durham, being then dean of St Paul's, London; he received consecration on the 25th at Sherburn in Elvet, and had the temporalities of the bishopric restored on the 18th day of the following month of October.†

* Gray's MSS.

† Rex, dilectis sibi in Christo, priori et capitulo ecclesiæ cathedralis Dunelmensis, salutem. Ex parte vestra nobis est humiliter supplicatum, ut cum ecclesia vestra prædicta per mortem bonæ memoriæ magistri Roberti Neville, nuper episcopi loci illius, pastoris sit solatio destituta, alium vobis eligendi in episcopum et pastorem ejusdem loci licentiam vobis concedere dignaremur; nos precibus vestris in hac parte favorabiliter inclinati, licentiam illam vobis tenore præsentium duximus concedendam; mandantes quod talem vobis eligatis in episcopum et pastorem ejusdem loci, qui Deo devotus, ecclesiæ prædictæ necessarius, nobisque et regno nostro utilis et fidelis existat. In cujus rei, &c. Teste rege apud Westmonasterium primo die Augusti 1457. Per breve de privato sigillo.——Rymer, Feod. vol. xi. p. 402.

Calistus episcopus, servus servorum Dei, carissimo in Christo filio Henrico regi Angliæ illustri, salutem et apostolicam benedictionem. Jam pridem, cum ecclesiam Dunelmensem, per obitum bonæ memoriæ Roberti olim illius episcopi, pastore carere intelligerimus, audientibus eam in confinibus tui regni et regno Scotiæ convicinam esse, cogitavimus tuo statui (cui nos semper præcipua quadam et paterna caritate affecti fuimus) plurimum expedire pastorem eidem ecclesiæ præfici honestate et prudentia præditum, viribus præstantem, gratum omnibus, ut sua auctoritate et præsidio tuæ celsitudinis dictam ecclesiam feliciter gubernare posset. Nobis autem hoc agitantibus, meminimus tuam serenitatem, superioribus diebus per suas literas efficaces, commendasse dilectum filium Laurentium Booth licentiatum in legibus, decanum Londoniensem, ut cum casus vacationis alicujus cathedralis ecclssiæ in tuo regno accideret, quæ sibi grata foret, ipsum illi præficeremus in pastorem; in cujus etiam singularem et præcipuam commendationem novissime accipimus literas, carissimæ in Christo filiæ nostræ Margaretæ reginæ Angliæ illustris consortis tuæ, et aliorum plurimorum dominorum ac nobilium tui regni, quibus facile judicare potuimus quam utilis, accommoda, et laudabilis foret provisio de persona ipsius Laurentii ad eandem Dunelmensem ecclesiam. Et licet postmodum tuæ literæ supervenerint, dilectum filium Johannem Arundell, physicum tuum commendantes, ut ipsum eidem Dunelmensi ecclesiæ præficeremus in pastorem, nos, rei gravitatem pensantes et mature providere intendentes, habita inter nos et venerabiles fratres nostros sanctæ Romanæ ecclesiæ cardinales diligenti discussione et examinatione personarum, cum nobis perantea merita et virtutes ipsius Laurentii notissima forent, ob suas conditiones, et doctrinæ, sanguinis, et prosapiæ, ac etiam qui oriundus prope diœcesim dictæ Dunel-

The distracted state of this realm, during bishop Booth's time, makes it necessary to pay attention to the various events of those years in which he presided here, as he participated of the calamities of that period, and as the northern counties of England sustained much of the afflictions of those civil wars which marked the unhappy fate of king Henry VI.

In a treaty held with Scotland for a truce, to commence from the 6th day of July 1457, Booth was a commissioner, with the distinctions of privy seal and archdeacon of Richmond. The court of England, involved in the most dangerous civil broils, was anxious to maintain peace with Scotland, and courted the terms of that nation's forbearance from hostilities; for with such advesaries as maintained the intestine struggles, the queen, though of mas-

mensis ecclesiæ mores patriæ et hominum intelligens, illi utilis et fructuosus plurimum esse poterit, tandem, de eorundum fratrem consilio, de persona ipsius Laurentii eidem Dunelmensi ecclesiæ motu proprio duximus providendum, præficiendo ipsum illi in episcopum et pastorem, curam, regimen, et administrationem ipsius ecclesiæ sibi in spiritualibus et temporalibus plenarie committendo. Ad quod faciendum pot issime inducti fuimus, existimantes id gratum merito et acceptum tuæ sublimitati fore, talem virum, tui status et honoris præcipuum zelatorem promovere. In qua quidem promotione, quoniam constantes persistere, nec ab ea ullo modo variare intendamus sublimitatem tuam paterna caritate precaremur et hortamur in domino ut nostræ voluntati tuam conformes, et a tuis prioribus literis non discedas, memoratoque Laurentio tuiis regiis favoribus assistere velis, ut ipse sublatus quibuscunque obstaculis, ad possessionem jurium et bonorum suæ ecclesiæ libere admittatur. Præfato vero Johanni phisico tuo, contemplatione tuæ celsitudinis et ob eximiam virtutem suam, cum casus vacationis se obtulerit, quantum cum Deo poterimus, providere curabimus. In hoc siquidem defiderio, prout in tua regia et filiali devotione confidimus, expectamus ut ipso effectu nobis satisfacias, et ipsum Laurentium in omnibus commendatum suscipias, in quo rem te dignam et nobis gratam plurimum efficies, quæ eo erit gratior quia in honorem tuæ sublimitatis redundabit. Dat. Romæ apud sanctum Petrum, anno incarnationis Dominicæ millesimo quadringentesimo quinquagesimo septimo, decimo kal. Septembris, pontificatus nostri anno tertio.——Rym. Fœd. vol. xi. p. 401.

Rex, escaetori suo in comitatu Middlesexiæ, salutem. Cum dominus summus pontifex nuper vacante ecclesia Dunelmensi, per mortem venerabilis patris Roberti nuper episcopi loci illius, eidem ecclesiæ de persona prædilecti clerici nostri magistri Laurentii Bothe providerit, ipsumque in episcopum loci illius præfecerit et pastorem, sicut per literas bullatas ipsius domini summi potificis, nobis inde directas, nobis constat. Nos, pro eo quod idem episcopus omnibus et singulis verbis, nobis et coronæ nostræ præjudicialibus, in dictus literis bullatis contentis, coram nobis palam et expresse renunciavit, et gratiæ nostræ humiliter se submisit, volentes cum eo in hac parte agere gratiose: Cepimus fidelitatem ipsius episcopi, et temporalia episcopatus illius, prout moris est restituimus eidem. Et ideo tibi præcipimus quod eidem episcopo temporalia predicta cum pertinentiis in balliva tua, sine dilatione liberes in forma prædicta; salvo jure cujuslibet. Teste rege apud Westmonasterium 18° die Octobris. Per breve de privato sigillo et de data prædicta, auctoritate parliamenti.——Rymer, Fœd. vol. xi. p. 406.

Consimilia brevia diriguntur escactoribus subscriptis, sub eadem data, videlicet:

Escaetori regis in com. Eborum.
——————— in com. Lincoln.
——————— in com. Northumb.

Et mandatum est militibus, &c.

culine genius and intrepidity of spirit, had full exercise for all her powers and influence: Various were the events which attended the efforts each party maintained. In the year 1459, the queen's success induced her to a fatal measure against her interest, by proceeding to confiscate the estates of the duke of York and his adherents, in a parliament convened at Coventry, and to condemn to death some of those persons who had appeared in his interest. There was too much secret rancour in the hearts of her subjects, against the oppressive measures of her favourites, and too much affection for the suffering lords, who struggled against the base principles of government, to allow a measure of this rigorous nature to take place and prosper. The earl of Warwick, who then possessed Barnardcastle, equipped a fleet at Calais, surprised the king's ships, which lay at Sandwich with succours on board for the duke of Somerset, and passed therewith over into Ireland: He was one of the objects of the queen's severe resentment in the parliament at Coventry, and immediately after, the earl's estates in this province were in the hands of the bishop of Durham, as forfeitures; and he appointed John lord Nevill constable of the castle of Barnardcastle, and master of the forest of Teesdale, with a stipend of 20 marks yearly, to be paid out of the issues of the lordship of Barnardcastle, by the hands of his receiver there; and he appointed Geoffrey Middleton, then high-sheriff of Durham, keeper of the park of Barnardcastle.*

In consequence of such severities, new distractions arose: A further time of truce was to be obtained from Scotland; and bishop Booth, and John Lilliford dean of Auckland, appear among the commissioners, when a term of five years was agreed upon. The battle of Northampton, fought in July 1460, threw the

* 2d Jan. 1459. Booth Rot (M) N° 21. In the cursitor's office.——Laurentius, Dei gratia, &c. Sciatis, quod certis arduis de causis nos moventibus, ordinavimus et constituimus carissimum et confisum nostrum Joh'em D'num de Neville militem constabular. et magistrum forestar. castri nostri vocat Berna-castell et Forestæ n're de Teasdale. H'end. et occupand. officia prædicta quamdiu nobis placuerit. Percipiend. de nobis annuatim in dicto officio constabular. decem mercas, et in dicto officio mag'ri sorestar. decem mercas sibi solvend. de exitibus et proficuis D'ni n'ri de Bernacatell per manus recept. n'ri ib'm pro temp'e existen. Gyll's MSS.

The same date ——Laurentius, d. g. &c. Sciatis, quod nos de gra. n'ra spi'ali ac pro bono et gratuito servicio quod p'dilectus n'r. Joh'es D'nus de Neville miles nobis et eccl'ie n're Cath. Dunelm hactenus impendet, et in futur. impendet, dedimus et concessimus eidem D'no quoddam annuale feodu. quadragint. marcar. p'cipiend. de nobis annuatim ad festam, &c. de exitibus et p'ficuis D'ni n'ri de Berna-castell p. manus receptoris n'ri ib'm.—Ibid.

The same date.——Laurentius, &c. Sciatis quod nos de gra. n'ra spi'ali dedimus et concessimus dilecto n'ro Gal'fro Middleton custodiam parci n'ri de Berna-castell. H'end. et occupand. officium illud quamdiu nobis placuerit, percipiend. de nobis in officio illo annuatim feoda et vadia eldem officio debita et consueta unacum o'ibus aliis p'ficuis d'co officio qualit'cunq. p'tinentibus.——Ibid.

unhappy sovereign into the hands of his enemies, he being taken prisoner in his tent, where he waited the event of an engagement which his queen with no little avidity had sought for. The imbecility under which the king laboured, rendered him almost totally insensible of distress under such vicissitudes of fortune. The queen with the young prince of Wales and the duke of Somerset, fled precipitately to the province of Durham,* from whence she soon after retired, not thinking herself safe there, and got into Wales with much difficulty, being plundered by robbers on the road,† and at length sought refuge in Scotland. Three days before the battle of Southampton, the king granted the bishop of Durham a general release, indemnity and pardon, under his privy seal,‡ but from what cause or incitement is not certain.

* Rapin, p. 584. † Hall, Stowe, &c.

‡ Rex omnibus ballivis et fidelibus suis ad quos, &c. salutem. Sciatis, quod de gratia nostra speciali, et ex certa sc'entia et mero motu nostris, pardonavimus remisimus, et relaxavimus Laurentio Bothe, episcopo Dunolmensi, seu quocumque alio nomine censeatur omnimodos transgressiones, offensas, misprisiones, contemptus, et impetitiones, per ipsum Laurentium episcopum, ante datam præsentium, contra formam statutorum de liberatis pannorum et capitiorum factos sive perpetratos, unde punitio caderat in demandam debitam, seu in finem et redemptionem, aut in alias pœnas pecuniarias, sive imprisonamenta, statutis prædictis non obstantibus. Et insuper, ex motu et scientia nostris pardonavimus, remisimus, et relaxavimus eidem Laurentio episcopo, sectam pacis nostræ, quæ ad nos versus ipsum pertinet, pro omnimodis proditionibus, murdris, raptibus mulierum, rebellionibus, insurrectionibus, feloniis, conspirationibus, cambipartiis, manutenentiis, et imbraciariis, ac aliis transgressionibus, offensis, negligentis, extortionibus, misprisionibus, ignorantiis, contemptibus, concelamentis, forisfacturis, et deceptionibus, per ipsum Laurentium ante datam præsentium qualitercumq; factis sive perpetratis, ac etiam utlagariis si quæ in ipsum Laurentium iiis occasionibus seu earum aliqua fuerint promulgatæ, et firmam pacem nostram ei inde concedimus, ita tamen quod stet recto in curia nostra, si quis versus eum loqui voluerit de præmissis vel de aliquo præmissorum. Et ulterius, pardonavimus, remisimus, et relaxavimus, eidem Laurentio episcopo, omnimoda escapia felonum, attinctorum, et convictorum, nec non catalla felonum et fugitivorum, catalla utlagatorum et felonum de se, deodanda, vasta, impetitiones, ac omnimodos articulos itineris, destructiones et transgressiones de viridi vel venatione, venditiones boscorum infra forestas et extra, et aliarum rerum quarumcumque, ante datam præsentium, infra regnum nostrum Angliæ et marchias Walliæ emersarum et eventarum, unde punitio caderet in demandam debitam, seu in finem et redemptionem, aut in alias pœnas pecuniarias, seu in forisfacturam bonorum et catallorum, aut imprisonamenta, seu amerciamenta communitatem, villarum, vel singularium personarum, vel in onerationem libere tenentium, eorum qui nunquam transgressi fuerunt aut hæredum, executorum, vel terræ tenentium, escaetorum, vicecomitum, coronatorum, et aliorum hujusmodi, et omne id quod ad nos versus ipsum Laurentium episcopum pertinet seu pertinere posset ex causis supradictis. Ac etiam pardonavimus, remisimus, et relaxavimus, eidem Laurentio omnimodas donationes, alienationes, et perquisitiones per ipsum de terris et tenementis de nobis vel progenitoribus nostris quondam regibus Angliæ in capite tentis; ac etiam omnimodas donationes et perquisitiones ad manum mortuam factis et habitas absque licentia regia; necnon omnimodos intrusiones et ingressus in temporalia episcopatus, et hæreditatem suam in parte vel in toto post mortem predecessorum suorum et antecessorum suorum, absque debita prosecutione, liberatione, seu restrictione eorundem, extra manum regiam, ante datam præsentium factos, una cum exiti-

James king of Scotland was induced, by the confusion in which he saw England involved, to attempt the recovery of Roxburgh and Berwick; and at the siege of the former, died by the bursting of a piece of ordnance, to which he stood near, delighting much in such martial operations. This threw the Scottish nation into great distress, the heir to the crown, James III, being then only seven years of age, and consequently that state was desirous of remaining quiet during the intestine troubles of the sister kingdom.

bus et proficuis inde medio tempore perceptis. Et insuper pardonavimus, remisimus, et relaxavimus eidem Laurentio episcopo omnimodas pœnas ante datam præsentium, coram nobis, seu concilio nostro, cancellario, thesaurario, seu aliquo judicum nostrorum, pro aliqua causa, et omnes alias pœnas, tam nobis quam carissimo patri nostro defuncto, per ipsum Laurentium episcopum, pro aliqua causa ante datam præsentium forisfactas, et ad opus nostrum levandas; ac omnimodas securitates pacis ante datam præsentium similiter forisfactas, ac etiam tertias et tertiarum tertias omnimodorum prisonariorum in guerra captorum, nobis die confectionis presentium, qualitercumque debitas, pertinentes sive spectantes per eundem Laurentium episcopum; necnon omnimodas demandas, transgressiones, offensas, misprisiones, contemptus et impetitiones per ipsum Laurentium episcopum ante datam præsentium, contra formam tam quorumcumque statutorum, ordinationum, et provisionum ante datam presentium factorum sive editorum de perquisitionibus, acceptationibus, lectionibus, publicationibus, notificationibus, et executionibus quibuscumque quarumcumq; literarum et bullarum apostolicarum ante datam præsentium et omnium aliorum statutorum, ordinationum et provisionum, prætextu quorum aliqua fecta versus eundem Laurentium episcopum per billam vel per breve de *præmunire facias*, seu alio modo quocumque pro aliqua materia ante datam præsentium fieri valeat, quam quorumcunque aliorum statutorum factos sive perpetratos; statutis, ordinationibus et provisionibus illis non obstantibus. Ac etiam pardonavimus, remisimus, et relaxavimus eidem Laurentio episcopo omnimodos fines adjudicatos, amerciamenta, exitus, forisfactos, relevia, scutagia, ac omnia debita, compota præstita, arreragia firmarum et compotorum, nobis ante datam præsentium qualitercumque debita et pertinentia, necnon omnimodas actiones et demandas, quas nos solus vel nos conjunctim cum aliis personis vel alia persona habemus seu habere poterimus versus ipsum Laurentium episcopum, pro aliquibus hujusmodi finibus, amerciamentis, exitibus, releviis, scutagiis, debitis, compotis, præstitis et arreragiis ante datam præsentium nobis debitis ac etiam utlagariis in ipsum Laurentium episcopum promulgatis pro aliqua causarum, supradictarum. Omnimodis debitis et compotis, nobis debitis et pertinentibus, quæ vigore literarum nostrarum patentium, seu brevium nostrorum de magno vel privato sigillo, aut per estallamenta sive assignationes respectuata existunt, omnino exceptis, et quod præsens PARDONATIO NOSTRA quoad præmissa vel aliquod præmissorum, non cedat in damnum, præjudicium vel derogationem alicujus alterius personæ quam personæ nostræ dumtaxat; nec quod præsens pardonatio nostra, nec aliqua hujusmodi pardonatio nostra ad aliquos magnos computantes nostros qui nunc sunt vel qui nuper fuerunt; videlicet, ad thesaurarium Calesii et hospitii nostri, vitellarios Calesii, camerarios Cestriæ, North Walliæ et Suth Walliæ, custodes garderobæ hospitii nostri, aut custodes magnæ garderobæ nostræ, aut custodes sive clericos garderobæ nostræ, clericos operationum nostrarum, constabularies Burdegalliæ, thesauriam terræ nostræ Hiberniæ, et receptoris ducatus nostri Lancastriæ et ducatus nostri Cornubiæ, tam generales quam particulares, quoad aliqua hujusmodi officia sua seu hujusmodi occupationes suas, seu alicujus eorumdem tangentia, ullo modo se extendat. In cujus, &c. Teste rege apud Northampton 7° die Julij. Per breve de privato sigillo et dedata prædicta, &c.——Rymer's Fœdera, vol. xi. p. 456.

In the parliament which succeeded the king's captivity, it was resolved, that Henry should hold the crown during his life, and the duke of York be declared his successor; and the same passed into a law. The queen anxious for the interest of her son, made efforts to recover her influence, and levied a considerable body of forces north of Trent, who were induced to follow her fortunes by a promise that they should be allowed to plunder in their progress. With these she advanced southward, gave the duke of York battle near Wakefield, on the 30th of December 1460, and obtained a complete victory, the duke falling in the field: His youngest son the earl of Rutland, a youth about twelve years of age, flying with his governor, was pursued by lord Clifford, who, regardless of his tender years plunged a dagger to his heart. The earl of Salisbury was taken prisoner, and beheaded at Pomfret. The duke's eldest son, the earl of March, had levied forces in Wales, whilst the earl of Warwick, with a considerable army, guarded London. In the earl's route he fell in with a detachment of the queen's troops, in Herefordshire, and routed them; yet the queen, with an intrepidity as heroic as ever distinguished any of her sex, marched forward towards London, undaunted with the ill success of that part of her army over which the earl of March was victorious, and joining battle with the earl of Warwick near St Albans, prevailed, and recovered possession of the king. But this success was soon blighted by the approach of the earl of March, whose superior strength she durst not engage, especially under the prejudices which prevailed against her troops on every hand, for their cruelty, licentiousness and rapine: She therefore fled with all speed to the north, and left the metropolis open to the earl, who entered it with a shew of triumph; and soon after, on the 4th day of March, by the management of the earl of Warwick, was proclaimed king of England, by the name of Edward IV.*

* Ex Rotulo Parliamenti, a° 1°, Edw. IV. N° 17.——For as moche as Henry late kyng Henry the Sixt ayenst the honoure & trowth &c. not only in the north parties but also oute of Scotland comyng from the same parties with Margaret late called quene of Englond & her son Edward late called Prynce of Wales entendyng to the extreem destruccion of the said reame namely of the south parties thereof whereof experience sheweth the clerenes respect had to the spoile by theym of Godes chirch of chalesses crosses of sylver boxes for the sacrament and other onourments longyng thereunto of defouling ravishing religious wymmen weddowes & maydens of unmanly & obhemynable entretyng of wymmen beying in the naturall labour & bataile of travailyng of child by the meyne thereof piteously disperaged heven sorowyng the lost therby of the soules that shud have been of the felanship of christendom & of the blisse of heven not abhorryng of unmanly unnaturall & beestly cruelte to drawe wymmen beyng in the childebedd from their beds naked & to spoile hem of all her goods a piteous desolacon &c (the offenders names inserted, among whom was John lord Nevill, and ov'e that where the said Henry late kyng of Englond the sixt, & also

The queen under each reverse of fortune, displayed a mind replete with energy and fortitude. The northern counties retained their loyalty to the Lancastrian interest, and their affection for a race of princes, under whom they had enjoyed so many marks of royal favour. The army which the queen had now reinforced consisted of sixty thousand chosen men, inured to a laborious and hardy life, and capable of great exertions. Edward saw himself seated on a throne which must necessarily be supported by arms, whilst the remains of the Lancastrian family opposed his interests. He levied an army, and marched northward, a few days after his proclamation his coronation being postponed to a future time. After several skirmishes, with various success, the battle of Towton-field, on the 20th of March, being Palm-Sunday, brought to an issue the claim of the competitors. An accident gave great advantage to Edward's army: A fall of snow beat fiercely in the faces of the Lancastrian troops, and deprived them of the execution their bowmen usually had performed, by their not being able to discern the necessary distance, to give their arrows effect. A close fight succeeded the discharge of arrows; and the dreadful conflict lasted from morning till evening, during which time Victory often shifted her bloody pinion from party to party, and hovered over each heroic phalanx with a tremendous uncertainty. At length the Lancastrian line gave way, but fighting in the retreat suspended the event, and yet rendered it still dubious, till at length a panic prevailed, and the rout began. A horrid slaughter ensued: The flying troops were cut

Tho. lord Roos, Thomas Gray, lord Rugemond Gray Humfrey Dacre knyght, John Fortescu knyght, William Tailboys knyght, Edward Mountford knight, Thomas Neveill late of Bruncepeth in the bishopryke of Durham clerk, Humfrey Nevill late of the same squier, & Tho. Elwyke late of Caleys squier, the 26th day of Juyne last past, at Ryton & Brauncepath in the bishopryke of Durham, with standardes and gytons unrolled rered werreayenst our saide lord K. Edw.) stand & be convicted of high treason, & forfeit all the castelles man'ors londs &c which they or any of theym had of estate of Enheritaunce &c with Englond Irlond or Wales or Caleys or in the marches thereof oute of the lib'tee of the bishoprike of Durh'm that is to sey betwene the water of Tyne & Teese & in the places called Northamshire & Bedlyntonshire within the counte of Northumb'lond in the whch lib'tee and places the bishop of Durh'm & his p'decessours of tyme that noo mynde is have had roiall right & forfeiture of Werre in the right of the chirch cathedral of seynt Cuthbert of Durham as by concorde parlement in the tyme of the noble progenitors of our seid sov'ayne lord King Edw. the fourth hit hath been assented & over that it be ordeyned graunted and established by the seid advis assent and auctorite that every p'sone by any acte made in this present parlement atteynted of treason ayainst our said liege & sov'ayne lord forfett to the reverend fader in God Lawrence nowe bishop of Durh'm and to his successours in the right chirch cathedrall of seynt Cuthbert of Durh'm all the manors londs ten'tes and other possessions and hereditaments with their appurten'ces which they or any other to their or any of their use have within the seid lib'tee that is to sey betwixt the said waters of Tyne & Teese within the seid places called Northamshire & Bedelyngtonshire the seid iiij day of March.

down by a cruelty of prudence, which obliged Edward to give no quarter, that he might not be encumbered with prisoners. The calamities of the discomfited army were rendered complete by an attempt to cross the river; when the Wherf received such multitudes, that the dead formed a bridge for the living: There fell no less a number than 36,776 in this battle. The earls of Northumberland and Westmorland (whom the bishop had before appointed constable of Barnardcastle) were among the slain. Henry and his queen found means to escape from York, where they waited the event of this battle, and took refuge in Edinburgh. King Edward marched to York, whilst the earl of Warwick had it in command to reduce such fortresses in the north as were in the hands of his adversaries; but he was content with the submission of a few, and left the castles of Northumberland unassailed. In June following Edward was crowned, and, in a parliament convoked soon afterwards, the revolution was confirmed, and such acts as were made by Henry VI. during a reign of thirty years, were totally repealed and annulled.

Whilst queen Margaret was in Scotland, she was assiduous in negociating with that state a renewal of her interest: She made a formal surrender of Berwick to the Scots, and contracted Edward her son with Margaret the king's sister. K. Edward had proposed a new truce, but was baffled in his projects by the conduct and address of the queen, who still retained an ascendancy at that court, so that he was induced to enter into a compact with the turbulent earl of Ross, lord of the Isles, by whose efforts he did not doubt to divert the arms of Scotland from any attempt on his northern territories. Rapin says, from the Public Acts xi. p. 483, that the bishop of Durham was one of Edward's commissioners to manage this compact; and observes, that its not being mentioned by any English historian might probably be owing to its lying concealed among the records of England, till it appeared in the collection of the Public Acts. There can be no want of candour in questioning the authenticity of this part of Rapin's story, as the bishop of Durham was under Edward's displeasure, most probably for taking part with queen Margaret, and abetting her cause, previous to the battle of Towton: His putting the earl of Warwick's castle of Barnardcastle into the hands of John lord Neville, by appointing him constable, was a strong indication, if not an expression, of his favour to that interest. The disagreement came to such a height, that, on 7th of December 1462,* the king seized the temporalities of the See of

* Rot. B. Booth, N° 37.

Durham,* and on the 28th of December appointed John Fogge, knt. treasurer, John Scot, knt. comptroller of the king's household, and Thomas Colt, guardians thereof, with powers to appoint justiciaries, a chancellor sheriff, escheator, and other officers there. The bishop continued under this disgrace until the 17th day of April 1464, when the guardians were superseded, and the temporalties restored.† The king also dispensed with the bishop's attendance on parliament for three years.‡ Mr Randal, in a

* Tem'alia e'patus Dun. vij° Dec. anno d'ci d'ni e'pi sexte seisita fuerunt in manus d'ni regis.

L're pat. de temp'lib's epat. Dun. Booth, Rot. M. N° 75.

Edward, &c. sal't'm. Sciatis nos de fid. & circum specco'e dilector. nob. Joh'is Fogge, mill. thes. hospicii n'ri Joh'is Scott mil. Contrarotulatoris ejusd'm hosp. n'ri ac Tho. Colt plurimu. confid. ip'is custodiam temp'aliu. e'patus Dun. in manus v'ras certis de causis seisitor. concessisse tenore presentiu. H'end. & tenend. custodiam illam quamdiu temp'alia illa in manib's n'ris remanere contig'int reddendo nob. inde debitu. computum ad scacc. epat. predicti, & alibi coram auditorib's n'ris ib'm p. temp'e existen. Et ult'ius ex abundanti gra. n'ra concessim's prefat. I. &c. &c. auctoritat. & plena. potestat. assign. & faciendi no'i'e n'ro de t'pe in tip'us sub sigillo n'ro in hac p'te ordinato, justic. cancel. vic. & esc. & o'es al' officiarios infra eadem temp'alia. p'ut t'p'b's transactis extitit consuetam, & q'd dicti justic. Canc. vic. & esc. & alii officiarij talit. assign. & faciendi, h'eant tam magnam & largam potestatem p'ut ip'i aut alii in casu. con'sili ante hec t'pa hu'erunt. In cujus, &c. test. me ipso apud Westm. xxviij die ecembr. a° R. n'ri sc'do, 1462.———Randal's MSS.

Henry VI. with certain of the persons aforesaid, John Fortescue, William Talbois, and other esquires, gentlemen, priests, and friars, are attainted for being in the field against K. Edward IV. in the bishopric of Durham, the 18th day of June last past. —1st Edw. IV. at the parliament at Westm. 4th Nov.———Cotton's Collection, by Prynne, p. 669.

Pro carbonibus vendend.—Rot. M. Booth, N° 74.

Edward by the grace of God, &c. To our well-beloved S********** Stephen Priston and John Stirgeon gretyng. Where for divers consideracyons us moveing, we have seised into oure handes the temporaltees of the bishopriche of Duresme and goodes and the cattallas of Laurence, late b'p of the same b'priche beyng yerein, we have commytted and by this presentes comytted unto yowe our sayd ******* the kepying and goverance of the coals that war the same Laurence, and yeve and graunted unto you joyntly full power and auctoritee to ********* unto the sale, and to sell the said coles to any p'sonne or p'sonnes that woll bye them, and ********** not only yowe our said S********** of the sellyng of the same coles bot the said personne or personnes biyng them of the same biyng and kepe hem harmlesse of any ***** therof ******** any other p'sonne. Yeven under our prive seel at our cittee of Duresme the ij day of January in the secunde yere of oure reigne.———Randal's MSS.

Rot. M. M. Booth N° 56, 2d Edw. IV.—Dominus rex Edwardus IV. (sede episc. Dunelm. tunc vacante) jure ecclesiæ Dunelm. dimisit Roberto Bertram burgum d'Sunderland juxta mare, ac passagium trans aquam ibidem & piscar. habend. durante vacatione episc. reddendo 6 ad scaccarium Dunelm. & rex imbuit cymbam.—Spearman's Enquiry, p. 24.

† Rot. M. M. N° 75.

‡ Rex, dilectis nobis Johanni Fogge militi thesaurario hospitii nostri, Johanni Scotte militi contrarotulatori e'jusdem hospitii, ac Thomæ Colte et eorum cuilibet, salutem. Sciatis quod, cum nos (de fidelitate et circumspectione vestris plurimum confidentes) ante hæc tempora, per literas nostras patentes (quarum data est apud Westmonasterium vicesimo octo die Decembris anno regni nostri secundo) vobis custodiam temporalium episcopatus Dunelmensis, in manus nostras certis de causis seisi-

MS. note, says, the cause of this deprivation was uncertain; but when the connection which subsisted between the bishop and the

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torum, concesserimus, habendam et tenendam custodiam illam quamdiu temporalia illa in manibus nostras remanere contingerint, reddendo inde nobis debitum compotum, ad scaccarium episcopatus prædicti, et non alibi, coram auditoribus nostris ibidem pro tempore existentibus. Et ulterius, ex habundanti gratia nostra, concesserimus vobis præfatis Johanni, Johanni, et Thomæ auctoritatem et plenam potestatem assignandi et faciendi nomine nostro, de tempore in tempus, sub sigillo nostro in hac parte ordinato, justiciarium, cancellarium, vicecomitem, escaetorem, et omnes alios officiarios infra eadem temporalia, prout temporibus transactis extiterit consuetum. Et quod dicti justiciarius, cancellarius, vicecomes, escaetor, et alii officiarii, taliter assignandi seu faciendi, haberent tam magnam et largam postestatem prout ipsi aut alii in casu consimili ante hæc tempora habuerunt, prout in eisdem literis nostris plenius continetur. Nos tamen certis de causis et considerationibus nos specialiter moventibus, aggreavimus, concensimus, et permittere volumus, quod reverendus in Christo pater Laurentius Bothe episcopus Dunelmensis in temporalia prædicta, ac omnia terras, tenementa, et alias possessiones, episcopatui prædicto pertinentia, cum omnibus et omnimodis officiis, debitis, et juribus eis quoquomodo pertinentibus sive spectantibus, intrare possit, et ea sibi pacifice habere occupare, et gaudere, sine aliqua contradictione vel impedimento nostri seu alicujus nomine nostro. Et ideo vobis et cuilibet vestrum præcipimus firmiter in jungentes, quod de custodia temporalium prædictorum, ac de ulterius assignando seu faciendo pro nobis seu nomine nostro, justiciarium, cancellarium, vicecomitem, escaetorem, seu alios officiarios infra eadem temporalia, virtute literarum nostrarum prædictarum *Supersedeatis omnino et omittatis.* Et quod prædictum episcopum et officiarios suos quoscumque in exercendo et occupando temporalia sua prædicta, vel aliquid ad eadem pertinentia non perturbetis, impediatis, nec in aliquo molestetis, fit de custodia illa ulterius non intromittatis, prædictis literis nostris patentibus, seu aliquo alio mandato nostro vobis factis, in aliquo non obstantibus. In cujus, &c. Teste rege apud Westmonasterium decimo septimo die Aprilis 1464.—Per breve de privato sigillo et de data prædicta auctoritate parliamenti.———Rymer's Fœd. vol. ii. p. 519.

Rex. omnibus ad quos, &c. salutem. Sciatis quod nos certis de causis et considerationibus nos specialiter moventibus, de gratia nostra speciali, concessimus et licentiam didimus et per præsentes concedimus et licentiam damus reverendo in Christo patri Laurentio episcopo Dunolmensi, quod ipse durante termino trium annorum proximo sequentium, intendere possit et vacare circa negotia sua, et ea quæ sunt ei necessaria et utilia, ac residere et inhabitare ubi sibi melius placuerit infra regnum nostrum Augliæ; et quod non teneatur venire ad aliquod parliamentum sive concilium nostrum, sed inde exoneratus et excusatus sit durante termino prædicto aliquo mandato nostro ei in contrarium dirigend seu fiendo imposterum non obstante. In cujus, &c. Teste rege apud Westmonasterium decimo quinto die Aprilis, 1464.—Per breve de privato sigillo et de data predicta auctoritate parliamenti.——Rymer's Fœd. vol. xi. p. 518.—Rot. M. Booth, N° 80.

To oure trusty and wel beloved maister John Lounde clerke chancellour, Geffrey Middilton shirrief and escheator, and to all other coroners bailiffs officiers fermes and tenauntes of the bishopricke of Duresme and to ev'ich of thaym.——Mem'm quod istud bre. lib'tat, fuit Joh'i Lound cl'ico cancellario Dun. in festo Sci Georgij scilt. xxviij die April. a'o regni r. Edw. quarti pt. conq. Anglie quarto p. Johem Torkyngton.

De arrerag. levand. Rot. M. Booth, N° 73.

Edward by the grace &c. To oure trusty and well-beloved John Fogge knt. &c. &c. greting. Wite ye yat for certaine causes and considerations us moving for the sure * * * of th' arrerages due unto Laurence bishop of Duresme of * * and within the same, and for the entreteignyng of his goodes and catall from unlawfull * * * spoile by riote or otherwise, we com'mytte yowe joyntly the kepyng of the said arrerage and the * * * and catall, the which we woll and charge

deposed family is considered, it is not hard to account for. Perhaps much of his temperance in state matters only took place after the correction before stated. It appears indeed that he gained the esteem and confidence of Edward IV. but the instances of royal favour derived from that prince did not accrue, till after the last efforts of his opponents were extinguished. During the the bishop's disgrace, queen Margaret made several weak attempts to revive the cause of her family; and, in 1463, with the aid of France, and 500 men under the conduct of Brezee, she entered Northumberland; but nothing effectual was done, the troops, were dispersed by a storm, and the general had a narrow escape. Soon afterwards, the Northumbrians and borderers, from their old affection took up arms, and formed a powerful party; to oppose whom, lord Montague was sent northward, with the forces which were ready to march, whilst the king, with a large armament, prepared to follow, determined to retaliate on the Scots, who fostered and gave aid to his enemies. His lordship advanced to Durham, where he staid for some reinforcements, and then proceeded to meet a detachment of the queen's army, which he came up with at Hedgeley Moor, and brought to an engagement: Lord Percy, who had sworn allegiance to Edward, but was in arms for Henry, was slain there, and his party routed.* The battle of Hexham Levels† soon after ensued, where Henry lay in entrenchments, with the main body of his troops, over whom lord Montague obtained a compleat victory; and the royal personages narrowly escaped the fury of the sword. Edward, who had advanced no further than Durham, sent the earl of Warwick to reduce the castles of Northumberland, whilst he proceeded on his return to London.‡ The success of Edward's arms cooled the affections of the Scots and French towards the deposed family: Edinburgh was no longer a place of safe refuge to them; that court had agreed to a truce with England, and some secret articles were stipulated which most probably concerned Henry, for soon after we are told of that family's departure from Scotland. The queen with her son retired to her father's territories; and Henry, with a mind forlorn or vacant, wandered in disguise, about England, vainly searching for a protector among his people, till

you not to employe to any other use or ent——— without comaundment to be yeven to you, chargynge yowe to deliver of the sayd * * * of our said tresure the sum of M*l.* * * * for the expens of our household * * * shall have due allowaunce in your accompt to be yet don to us of the sayd kepyng * * * oure privee seel at oure towne at Stamford the 25 day of January the seventh * * * &c.—Randal's MSS.

* At Percy Cross.—See an account of this battle in the View of Northumberland.

† Vide ut supra.

‡ For a full account of the reductions of the castles, see View of Northumberland.

he was discovered by one of the king's party, and under many indignities carried prisoner to the Tower.

Every circumstance now conspired to seat Edward securely on the throne, had he not chose to intermarry with a subject, to satisfy a violent passion, and admit an influx of persons of inferior birth to the highest offices and dignities of the state. The earl of Warwick was negociating a marriage for his sovereign with the sister of the queen of France, and looked upon himself as highly affronted by the king's rash engagement; but probably the jealousy of others rising to eminence without his approbation, wrought most powerfully on his passions: and it was not long before the earl retired to the north, and George Nevill archbishop of York to his diocese. Rapin calls the earl "the proudest lord that England ever knew;" and says, "his resentment against the king, fired by offended pride, was irritated to its pitch by the sense he entertained of the king's obligations to him." In this retirement he formed a plan for the deposing a prince to whom he had given a diadem; and to that end he engaged the duke of Clarence, the king's brother, in the project, irritating his mind with the circumstances of neglect which the king had showered on him; and, to bind him in the compact, he gave him his eldest daughter in marriage. An insurrection soon took place, composed of men of Yorkshire and other northern counties, headed by Sir Hen. Nevill, son of lord Latimer, and Sir John Conyers. The succeeding battle of Banbury was in favour of the malcontents; after which they were joined by the men of Northamptonshire, led by Robert Hildyard. A series of successes tended greatly to encrease this army; and the king, having levied in haste all the troops he was able, prepared to give the insurgents battle near Warwick. A treaty for redress of grievances being proposed, the unsheathing of the sword was suspended; and under the hopes of a speedy conciliation, the king was guilty of such negligence, that Warwick surprised him in the night, and carried him prisoner to his castle of Middleham, in Yorkshire, where he committed him to the care of his brother the archbishop of York. The king in a little time found means to elude the vigilance of his keeper, and escaped. An immediate change of affairs took place, in his favour, and all the projects of the earl of Warwick and his party were speedily overturned, by the victory obtained by the king at the battle of Stamford, from which the duke of Clarence and the earl fled to France.

The earl, on this occasion, shewed the great powers of his political and intriguing genius, which no adversity could blunt, or

disappointment cool. He brought about a marriage between his youngest daughter and Edward, son of Henry; and then entered into a treaty with the king of France, who granted him aid, to attempt the restoration of the deposed family. At the head of a few troops furnished by France, the earl invaded England, and had no sooner made good his landing than multitudes flocked to his standard, and he found himself in a short time in command of an army of 60,000 men. He caused Henry VI. to be proclaimed. King Edward, though he had treated all information of the earl's enterprise with contempt, was in a few days obliged to fly for refuge to Holland, without having had a means of trying the event of a battle. Edward's queen took sanctuary in Westminister Abbey, where she bore a prince called Edward. All tumult being soon suppressed, Henry VI. was solemnly proclaimed, and remounted the throne: But this dawn of prosperity was only momentary, for Edward having obtained assistance from the duke of Burgundy in the middle of March 1471, landed at Ravenspur in the Humber, with about 2000 men, and took his route towards York. By his prudent measures, and the coming over of the duke of Gloucester to his party, without the hazard of a battle he approached London, where he was received with acclamations of joy by all ranks of people. The poor unhappy monarch, the mere shadow of a king, instantly found himself a prisoner, not having a thought even capable of attempting an escape. The enraged earl of Warwick, baffled and disappointed in his measures, and breathing vengeance on those who opposed his will, which he had not been used to have controuled, marched his army towards the capital, determined to hazard all to the sword; and in the battle of Barnet, fought on the 14th day of April, being Easter-day, he fell; and the fate of that field, immediately followed by the battle of Tewksbury, determined the unhappy cause of Henry and his adherents. Queen Margaret was taken prisoner, and committed to the Tower, where she remained, till redeemed by her father four years afterwards. Prince Edward, a youth of eighteen years of age, was slain in cold blood, and Henry was assassinated in prison.

Thus ended the life of that unhappy monarch, who had reigned thirty-eight years and upwards before he was deposed, having succeeded to the crown before he was one year old. Through natural infirmities he was incapable of governing; so that his own misfortunes, and the bloodshed of his reign, may justly be attributed to the froward temper of his queen, whose impetuous passions engaged her with favourites arrogant and ambitious, without a genius capable of managing a state like England, tho'

possessing a masculine mind. Henry is described by Rapin as being remarkably chaste and temperate; and adds, "he was extremely religious, abhorring injustice and cruelty." His whole character might be the consequence of his weak frame; and the extreme of religion, being bigotry and superstition, constantly marks only men of weak minds. Led by the machinations of others, it is but justice to his character, to say, that he was the innocent cause of the distraction and slaughter which marked his miserable reign.

After K. Edward IV. restored the temporalities in 1464, bishop Booth seems to have totally deserted those from whom he derived his first preferment, and such a chain of benefits. Under the attainders of the parliament of Coventry, the bishop of Durham had seized the earl of Warwick's estates within his province; under Edw. IV. in the year 1470, those estates are, by the king's letters under his privy seal, confirmed to the bishop.* In 1471, it appears he had interested the king so greatly in favour of the people of his province, that he obtained a safeguard† for them,

* Edward by the grace of God king of England and of France, and lord of Ireland. To the reverend father in God Lawrence bishop of Durham greeting. For as much as by a petition shewed unto us on your behalf, we understand, how by virtue of reason of the liberties and franchises by our noble progenitors granted unto the church at Durham, among other things all manner of forfeitures falling within the bishoprick of Durham should owe and appertain to the said church and bishop of the same for the time being, and by virtue of the same liberties and franchises you and your predecessors have been in the possession of such forfeitures time out of mind, and among others the manor and castle called Barnardcastle, which fell by forfeiture of John Ballyol sometime lord thereof into the hands of Anthony sometime bishop of the said church of Durham, which the said bishop of long time in right of his said church had and possessed. And how it be that in time of our noble progenitor Edw. I. the said manor was seised into his hands and so great a time remained, notwithstanding that diligent pursuit was made as well unto him in his parliament, as unto our progenitor Edw. II. which could not be obtained, but was delayed, yet afterwards in a parliament holden the 14th day of Feb. the first year of the reign of our noble progenitor Edw. III. after the said petition and the answers thereto in the said latter parliament, made, examined, and aptly understood, with other memorials and remembrances remaining in his treasury and also chancery, concerning the said matter, it was accorded and agreed, that the said bishop should and ought to have the said forfeitures, as in the petition and records of the parliament of our progenitor Edw. III. it is contained all at large. And we desiring you and your church to be observed and kept in all and every of your said liberties and franchises, according to the grant of our said noble progenitor in that behalf, we be content and will that you occupie have and enjoy the said manor and castle, with all the appurtenances, according to your right and title. Given under our privy seal at Lewis the 2d day of June in the 10th year of our reigne.— —In the Cursitor's Office.—Gyll's MSS.

† Durham. *Le save garde D'ni Regis*—Booth, Rot. A. N° 10. A. D. 1471.

For soo muche as the kyng oure sov'aigne lord Edward the iiijth knowyng that div'ses of his liege people beeing of the bishoprich of Duresme by the untrue and false ymaginacion and sturrying of his rebelle and traitour Sir Humfrey Nevyll and other evil disposed and untrue p'sonnes have made assemblees gadrings and com'ocions ayenist thaw fath and ligeance. Oure sayd souv'aigne lord willing the rest and tranquillitie of hys sayd people of his grace esp'ial com'andeth and chargeth, that noo

and in consequence caused a proclamation to be made throughout his territories, against the adherents of Henry VI. and his family.* This change of attachment may be submitted to the

man'e of man breke Saint Cuthbert's fraunchise ne robbe spoile nor tak any goods of any man'e man within the sayd byshoprich for the cause or occasion of the sayd rising upon peyne of dethe, nor vex nor trouble hem otherwise then accordeth with hys lawes and the sayd fraunchise, as they wil avoid the lawful p'il that thereupon may enswe.——Randal's MSS.

* *De Proclamacione fact. virtut. literarum pat. D'ni Regis.*—Ibid. N° 17.

Laurencius. &c. vic. Dun. sal't'm. Quiâ nup. recipimus l'ras pat. metuendissimi D'n'i n'ri Edw. R. Angl. nob. direct. in hæc verba Edw. Dei gra. Angl. & Fr. &c. & D'n's Hib'nie ven'abil in X'to pri. L. ead, gra. e'po Dun. sal't'm. Mandamus vob. q'd sub sigillo e'patus v'ri statim post recepco'em p'sentium in singulis locis infra, e'patum predict. magis necessariis & expedient. publicas & solempnes p'clamaco'es fieri fac. in hæc verba:—Whare we Edward iiijth by the dispocicion of oure Lord good and right of inheritaunce by verry and reeghtwise kyng of England and of France, and lord of Irland. Which oure ryght and tale afore this tyme in dyv's man's have been openle and solemple declared and approved. both by jugement yeven in div's parlamentes and be auctorite of the same, as also by vyctoryes yeven unto us by oure Lord Almyghty God in div's battailles ayenst oure gret adv'sarie Henry and his adherentes, and in espiciall nowe late at the fest of Pasche last passed in the feld besyde Barnet in the cou'te of Midd. where battalle was moved ayenst us for the partie of the sayd Henry by Henry late duke of Excestre, John marquis Montacu, Richard erle of Warwyke, and John erle of Oxonford, and many other in greet multitude our rebelles adherentes to the sayd Henry oure great adv'sary in which conflict and battaille the said marquis Mountacu and Richard erle of Warwyke with many other were slayn, so that not oonly by reason and autorite but also by dyv's victoryes in battailles the treuth ryght and well of God apereth evydently to ev'y wise indeferent and welle disposed mane for oure partie considered namely that in such division and controversi moved betwyxt princes uppon the high sov'aigne power ryall more evident prove or declaracion of truth ryght and gooddes will may noght be hade than by the sayd meanes, that is to wette, reason auctorite and victorys in the battailles. yet natheles no consideracion had to the premisses neither to the auctorite of that holy fader Richard Scrops sumtyme archebisshop of Yorke, whych for the ryght and title of our auncestr whose astate nowe we bere and have dide and suffred deth and marterdome, nether also to the solempne publ'cacions and s'mons of affirmacion and declaryng of oure sayd ryght and title at Paweles crosse in our citte of London as dyv's other places of oure land by George nowe archebisshop of Yorke in such manner and as is openly knawen which oftsones in the vigills of pasche last passed in the p'sence of us and many other lordes in like wise affermed and declared and eftsones made unto us oth of fidelitie uppon the holy evangelyes and reseyved theruppon the blyssed sacrement of our lordis bodie, as to his kyng and sov'ayne liege lord. Margarete callyng hire quene which is a Fraunch woman born and doghter to hyme that is extreme adv'sarie and mortall enemye to all this oure land & people of the same & hir son Edward assembled unto thame a gret number of Fraunch men bysides other oure traitours and rebelles adherent unto thaym nowe late hath enterd this our realme robbyng and spolyng and have moved and leved warre and battaille ayenst us in there entrent to the subvercion and destruction of us and of the sayd our realme and gode polecye of the same which to the uttermost of our pouer we will socour defend and mayntene. Wherefore fith it is and must be to the displesur of God and also contrary to all good polyce infynitely to p'cede in such quarrelles with so gret effusion of Christen blode which be all weyes possible unto us, we entende to eschewe, to the entent that no man shall or may p'bably hereafter p'tende ignorance in this by any manner colour we notifye and declare the sayd Margarette, Edward his sone, Henry late duke of Excestre, Edmund Beauford callying hym duke of Sum's, John erle of Oxonford, John Courtenay knyght, Tho. Fulford knyht, John Forrescue knyght, Tho. Seymoure

reader's sentiments without comment. It was no great difficulty to a bishop of Durham to forget his patrons and friends, for the

knygkt, Tho. Tresham knyght, Gerveys Clifton knyght, John Delves squire, John Loukenore squire, Raufe Makarell clerke, John Whelpdall clerke, John Bedon clerk, Frere John Gaseley and ev'ych of thame which be adherentes to the sayd Margarete and Edward to be oure open and notarie traytours rebelles and ennamyes wylling tharfore and in straitest wise chargyng & co'maunding all man' parsonnes within this oure realme of England uppon payn of deth and forfatur of thayer gudes and lyvelod and of all that thai may forfaite unto us, that they nor non of theym in eny wyse, frome hynsforth helpe assiste favour or socour the sayd Margarete Edw. hir sone Hen. late duke of Exc. Edm. B. John erle of Oxonford, John Courtney &c &c or eny of theym or eny of their. Teste me ip'o ap. West. xxvij d. Apr. a'o r. n'i xi .——— Randal's MSS.

CART. V. *Instructiones Juris Angliæ p. Libertate regali E'pi Dunelm. p. totam Dioces.*

Yere estre eigiven diverse cons's & reasons why the bpps of Duresme in the times of kings of England Henry III. and Edw. I. aught of r't & be course of the common laws then had within the bpprick, that is to say, in all places betwix the waters of Tyne & Tyse comonly called the bpprick of Duresme, and in the places called Norhamshire, Elandshire, & Bedlingtonshire, be the reason of the liberty rihall, that thei within the same, as well all maner of forfanges, grewints, & fallyn, be occacon of rebellion treason or warr against the king, which was then called forfituctores of werre, as for any other cause whats'r it was.

First, itt is to be considered, that in the days of the said kings, Henry III. & Edw. I. & long & many y'rs after, no p'son that had rebelled, done treason, or levyed warr ag't the said king, was y'rof attainted by verdict or auctoritie of parliamt. nor the king of the land the same time for any offence seized any man's land, by any of the said authorityes; but that after the treason or rebellion was committed, the king rec'ed the rebell to his peace, or elles refused and denyed to him. In the 1st case, the party put his lands into the king's hands for the surety of the keeping of the peace, and for fyne making at the king's will. In the 2d case, that is to say, where the king would not rec'e his rebel to his peace, he forthwith seized his lands as forfeited to him by reason of treason done ag't his person, and this was called forfeiture of werre, that is to say, forfeiture for levying warr ag't the king.

Secondly, it is to be considered, that lands having then franchises and libertys reall, by reason of the same, had forfeitures of warr within them, as the king had in other places of the realme without the said liberties, and as the king for treason committed seized lands lying within these libertyes, all which they only did, because, that the forfeiture of warr appertaineth to libertys, and that may and doth appear, as well by usage and practice that then ran and was put in uze, as also by great reason, and the common law that then rann and yet doth. First, the same appeareth by of reason this, except it be by authority of parliament, nor yet to be but to the wrong of the lord, unless it be by his assent direct vel indirect, the liberty reyall cannot nor may not be denyed, &c. for the lord, having liberty regall, has *jura regalia* (y't is to say) *omnia jura regalia, q. indefinite in jure equi - - - universali:* Whereupon it must needs follow, that if the lord have *universa jura regalia*, the king, except by authority of parliament, as above, cannot have neither forfeiture of warr nor of any other forfeiture within the said liberty. Secondly, the same appeareth thus in such places where liberty regal is; there the king's writt runneth not, nor none of the king's officers nor minister can or may by the king's writt nor other commandement entre, do any office, or seize any lands by way of escheat or forfeiture; ergo, except it be by authority of parliament as above, they cannot within liberty regall meddle with forfeiture of warre. Thirdly, the same appeareth thus in all cases of forfeitures fallen by the course of the common law, & without it be expressly or'wise provided by authority of parliament, the lord seizeth within the liberty regall as the king doth without, as thus, John at Style, lord of the manor of Dale within Midd & of the manor of Roke,

causes of interest and office, than it was to the lay lords, many of whom were marked with the same influence: Certain, how-

lying within the bpp'k of Duresme, is attainted of felony or of high treason by the verdict of the common law, like as the king in this case, the king may seize the manor of Dale lying in Midd'x, for the b'p of Duresme, by reason of his liberty regali, may seize the manor lying within the said bpp'k. But the forfeitures of warr in the days of the said K. Hen. III. and K. Edw. I. passed not then by so great authority as they do now at the common law; ergo, that the lord having liberty regall may now seize lands of persons attainted of treason at the common law: A fortiori, he might not so do in the days of the said kings, when there were none attainted by any or not so great process of the law as be now. Fourthly, the same appeareth by usage & continual po'ssion, since the time that forfeitures of warr were first achieved, as in the time of K. Hen. III. during the barons warr Petrus de Monteforti, lord of the manor of Gretham, lying within the liberty of the said b'p'k, (that is to say) in the wapentake of Sadberg, betwixt the waters of Tyne and Tease within the bishoprick of Duresme, for warr levying against the king at the battle of Evesham, whar he was slayne, forfeited, not only the said Gretham, but also all the lands that he had within the realm of England: And also be it, that said king, supposing forfeiture of warr to appertain to him within the said bpp'k, as it did in other places without, seized the said manor into his hands. The same king afterwards well understood of the right of the said b'p, restored to him the said manor, as by his l'res patent y'rupon made to the said bpp it doth plainly appear. This was the 1st forfeiture of warr, whereof it now remaining in the manner of record. The 2d forfeiture of warr was in the 21st year of K. Edw. I. by John Balyol then K. of Scots, the which, by levying warr against the K. forfeited to the said K. Edw. all the lands that he had out of the realm of England out of the bpp'k of Duresme; and to the said same b'p all the lands that he had within his liberty regall, which were no small lands, and into the same authority then the bishop in right of his church of Duresme entred, and of them was possessed many years. Also one John Percy, adherent to the said John Balyol, by the same reason forfeited the manor of Witchlaw lying within the said liberty, into the which, the said Anthony (Beke) entred in the right of his church, and afterward gave it to John Fitz Marmaduc, all of it. Be the same manor afterwards returned into the hands of the successor of the said bishop yet remaineth. Also one Americk Howden, adherent to the same K. of Scots, forfeited by reason thereof, all the lands and tenements that he had in Berrington and Keyley lying in the liberty of the said bishop of Norhamshire, into the which the said Anthony entred, and his successors is at this day seized of part of the same; and part the said Anthony gave to Robert Manners, whereof the heirs of the said Robert be yet seized. Also one Walter Fitz James, adherent to the said John Balioll, by reason thereof forfeited the manors of Bukton and Goswyke lying in Elandshire within the liberty of the said bpp'k, into the which the said Bp Anth. then entred, & the same kept years and days, and afterward gave the same Bukton to Roger Picard, and of the same his heirs be yet seized; and the same Goswick he gave to the prior of Eland, whereof his successors be yet seized. The 3d forfeiture was in the 29th year of the same king, by Rob. de Bruss, then K. of Scots, by levying of warr agt. the same king, by reason whereof he forfeited to the same king, all the lands that he had within England out of the liberty of b'p of Duresme; and to the same b'p, all the lands within the same liberty, (that is to say) the manor of Hert lying within the b'p'k of Duresme, into the which the said Anthony entred, & of the same was peaceably possessed, till the same king, the 34th year of his reign, without process of law, gave the same manor to Sir Rob. Clyfford. Also one John Selby, adherent to the same K. of Scots, for the same cause forfeited the manor of Fellyng lying within the said b'r'k, into the which the same Anth. then b'p entred, and his successors yet hath the same.

Item, the 3d forfeiture of warr was in the days of K. Hen. IV. The 4th forfeiture in K. Hen. V's days, and the 5th forfeiture in K. Hen. VI. And howbeit, that the same were authorised by the authority of parliament, yet * * first were none

ever, it is, that bishop Booth attached himself warmly to Edw. IV. obtained his good opinion, and in June 1473* was appointed to the important office of the lord high chancellor of England.

other nor no longer, but as the common law would; and the third was little gretten. And tho' no person attainted in K. H.'s days the IV. nor K. H's days the VI. had any lands or tenements with the liberty of the b'p of Duresme, yett in every of the acts of the said parliament was an express of special provision for salvation of the libertyes royall, & by virtue thereof, the b'p of Duresme in right of his church had the forfeiture of the manor of Winston, being within his liberty royall of Duresme, & belonging to the lord Scrope of Masham then attainted; he had also the manor of Urpath, & divers lands & tenements in Conset, Croldowley, & Sedgefeld. And also the manor of Elstob, belonging to Sir Tho. Grey knt. then attainted, and part of them lying within the wapentake of Sadbury, where the manor of Hert lyeth. The same bishop had then also all the lands and tenements that the said Sir Tho. Grey had within his liberty royall of Norhamshire & Elandshire, to the value of 100£. and above. The 6th forfeiture was in K. Edward's days the 4th, by authority of parliament, by which it was ordained by express words, that same K. should have all the lands & tenements that were without the bpp'k of Duresme, and the b'p in his right of his church, all that were within the same, and so the manor of Hert, whereof the lord Clifford was seized at the same time of the said attainder.

Fifthly, that forfeiture of warr appertaineth and is appendant to liberty royal, appeareth by a judgement of parl. of K. Edw. III. the first year of his reign, for howbeit, that K. Edw. I. without any process of the law, and the party not called, gave to Sir Robert Clifford the manor of Hert, whereof Anth. Beke, then bishop of Duresme, by the forfeiture of Robert Bruss, was then seized, yet the same Anth. and his successors, (that is to say) Rich. Kellawe in the time of K. Edw. II. and Lewis in the time of K. Edw. III. sued for their rights concerning the said manor in divers parliaments. The said Lewis obtained judgment thereof in the said first parl. and had upon the same, writts, executories, as in yt case appertained, the which judgments and writs are ready to be shewed.

Item, the earl of Warwyck, and the lord Clifford, which oftentimes by bills putt to the kings and their counsellors, for that voiding and annulling of the said judgment, never could obtain their intent in that behalf, and in the same theyr bills, they never denyd forfeiture of warr to append and appertain to liberty royall, nor never for that cause desired the said judgment to be repelled, albeit, that it is to be thought, if it had so been, y't forfeiture of warr had not in these days appertained to liberty royall, the said judgment would not have been obtained, nor would not have been forgotten, so have been layed by the said earle and lord for the repealing of the said judgment.

And finally for a right grete, prove, that forfeiture of warr in the said K. Hen. III. and Edw. I. appertained to liberty royall, it is for a treughe, that wereas one of the horsemen of the said K. Edw. I. by his negligent riding upon some of the coursers of the said king, fell, and by the same fall was slain, the bishop of Durham then being, had the escheat of the said horse.

Also it is confessed by the lord Clifford in divers parts of the title that he pretendeth to the manor of Hert, that the bishop of Duresme hath *jura regalia*, for in the end of the said title he says thus as follows: Also it is to be remembered and considered, that the said lord can follow no action against the bishop in his own court, whereby he hath *jura regalia* to continue his said right, but is without remedy. Also in another article said for his said title, he saith truly as followeth, Item, upon an act, &c. 1st K. Edw. III. it was ordained, that the same bishop should have his liberty of forfeiture of warr, or he had be the patent of K. Hen. III. &c. And that the king should ammove his hands of all lands being in his hands by forfeiture of warr being within the same liberty, &c. &c.

A treaty of marriage being concluded between the king of Scotland's eldest son, and king Edward's second daughter, Cecily, and a truce established, the peace of the borders was secured during the remainder of this prelate's time; for on the first of September 1476 he was translated to the metropolitan See of York, on the death of archbishop Nevill, who had undergone many severe sufferings, after the fall of his family, under the rigour and revenge of the king, and whose exit, it is said, was hastened by the grief and anxiety he had experienced. Booth sat near four years at York, and died on the 19th day of May 1480, at Southwell, where, according to the History of the Church of York, he was interred.* Chambrè and Wharton say he was buried at Cawood; but the former is confirmed by Wren bishop of Ely, in his account of the masters of Pembroke Hall.

These were not times for improvements† in this province; the general distraction gave no leisure for public works: Therefore no edifice in this See is attributed to bishop Booth, except only the gates of the palace of Auckland, and some erections to enlarge the college. He was a great benefactor to Pembroke Hall; and though Edward IV. rescinded all the acts of Henry VI. yet the bishop prevailed with him to ratify all the donations to this college. He was also a benefactor to the cathedral church of York; having purchased the manor of Battersea in Surrey, he erected a mansion-house thereon, and settled them on that church for ever. William Booth, who was bishop of Litchfield and Coventry, and translated to York in 1452, was his half-brother:‡ He had two other brothers, Roger Booth, of Barton, in the county Lancaster, esq; father of lady Margaret, wife of Ra. Nevill, third earl of Westmorland; and John Booth, bishop of Oxford. Our prelate made his will, dated the 28th of Sept. 1479, wherein he appointed his body to be buried next the wall in St John the Baptist's chapel, in the collegiate church of Southwell, on the south side of the wall.

In regard to the mintage of this See during the before-mentioned period, the ingenious Mr Noble has presented his readers with four specimens. "N° 1. has this epigraphe on the obverse, "HENRIC. REX ANGLI; and upon the reverse the legend "is CIVITAS DVNOLM. In the centre of the bars, if it is

* Browne Willis says, his tomb is yet to be seen, being a plain altar monument, which had his effigy engraven on brass, and an inscription under it long since defaced.

† A commission of the peace, in which are appointed Sir Tho. Lumley, Chr. Conyers, esq; Roger Thornton, esq; &c. A° 1° e'pi.——Rudd's MSS.

Another, in which, &c Ra. Nevill earl of Westmorland, Ra. Nevill his nephew, Guy Fairfax, Richard Pigot, Henry Gyllow clerk, Sir Chr. Conyers, Tho. Middleton, Wm Raket, Rich. Baynbrig, and John Raket, dat. 7th Oct. A° 14°.

‡ Hist. York Cath.

" intended for a letter, is an ℭ*, but which answers neither to " the initial of the Christian or surname of any of the last pre- " ceding bishops, or any of their offices, that can be discovered; " it is therefore difficult to determine what it was intended to " express.—N° 2. an imperfect coin, part of the legends being " lost; upon the obverse is only HE..... and upon the cross " CIVITAS.....LMI; the lozenge final is only to fill up the " legend, it being frequently found upon the money of those " kings.—N° 3. has an eylet-hole on each side of the head; the " epigraphe upon the obverse is HENRIC. RREX ANGLI; " the second R is redundant. Both this and N° 1. have a cross- " patonce for the mint-mark, but it appears only upon the ob- " verse. This is by no means peculiar to the Durham mint; we " have it upon the money coined at London and York: The " legend upon the reverse is CIVITAS DUNOLM. This has " also an ℭ in the center of the bars.—N° 4. reads upon the " obverse, HENRICVS REX ANGLI, with a star on one side " of the king's head, and a pellet on the other, which appears on " many of the coins of York and London ;† the legend upon the " reverse is also CIVITAS DUNOLM. This has an annulet " in the second and third quarters: This penny has the cross- " patee for the mint-mark in the obverse only. None of these " four coins‡ can with certainty be appropriated to any particular " sovereign or prelate, but if they are, as we have but little mo- " ney coined at Durham of Edw. III. and probably none of " Edw. IV. or of any sovereign after him; and the major part, " if not the whole of the pennies, and many of the halfpennies of " the York mint, were coined by primates of the north; supposing " that these are not regal, and that the eylet-holes or annulets " are the distinguishing marks of Hen. V.'s money, N° 1. and 2. " will be found to be coined by cardinal Langley, who wore the " Durham mitre during the whole of that monarch's reign. Mr " Snelling supposes, that all the money coined in the city of " Durham during this reign was issued from the palatinate mint. " In this conjecture that gentleman is probably right; for we " have, it is apprehended, no coins of this city without some par-

* The mark or letter ℭ appears also in the same place, upon an half-groat of one of these Henry's, coined at Canterbury: The same difficulty occurs in knowing what it was intended for upon the latter; as there were only the archb'ps Thomas Arundel, who was lord chancellor, and cardinal Henry Chichely, primates of that See in those reigns, to neither of whom it is applicable.

† There are coins of these princes with a star and fleur-de-lis, two roses, &c. upon the sides of the king's bust.

‡ See plate of coinage, letters FFFF. N° 1, 2, 3, 4.

" ticular letter, or other device upon them, that evinces their " being coined by the bishops of this See, who were cotemporary " with that monarch.

" Bishop Booth obtained a charter, which is dated the 21st of " July 1473,* by which he and his successors were allowed to " coin both pennies and halfpennies, and also to make trussels " and standards† for the same during the king's pleasure. The " grant recites, that it had been immemorially the privilege of " the bishops of this See to coin the former sort of money, but " never the latter. From hence it is clear, that this prelate was " the first that had a mint for halfpennies, and that not till this " reign. Probably there was never any money of that value " coined before at Durham; for though there were royal mints " during the reigns of the three first Edwards, after the Conquest, " who all coined both halfpennies and farthings, no money of " either of these kinds have been found of theirs of this city. " The bishop, by licence dated the 26th day of August, in the " same year that he received his charter from K. Edward IV. " gives permission to Wm Omoryche, of York, goldsmith, to " grave and print two dozen of trussels and one dozen of stand- " ards for pennies, and eight trussels and four standards for " halfpennies. By this we perceive that there was but a small " quantity of halfpennies, in proportion to the pennies, and pro- " bably the coining of them was soon discontinued by this prelate; " for by another licence, dated the 4th of August following, to " the same person, the latter was to grave and print three dozen

* Rex omnibus, ad quos, &c. salutem. Sciatis, quod cum venerabilis pater Laurentius nunc episcopus Dunolmensis, ac possessores sui episcopi loci illius, a tempore quo non extat memoria, monetam Sterlingorum, inter alia, juxta libertatem suam regalem. Dunolmi fabricari fecerint & consueverint: Hinc est quod idem episcopus monetam obolorum, infra libertatem prædictam, nostra displicentia minime mediante, fabricari facere intendit ut accepimus: Et licet idem episcopus hujusmodi monetam obolorum, infra eandem libertatem fabricari usus non fuerit; nos tamen, quod ipse nunc episcopus eandem monetam tam Sterlingorum quam obolorum ibidem, totiens quotiens sibi placuerit, absque displicentia nostra, quamdiu nobis placuerit, fabricari facere valeat licite & impune, bene contenti sumus. Et ulterius volumus, et per præsentes concedimus præfato episcopo quod bene licebit et standarda ei trussellos, pro hujusmodi moneta Sterlingorum et obolorum in libertate prædicta fabricanda, ad libitum suum, cum opus fuerit, de tempore in tempus, quamdiu nobis placuerit, fieri facere absque aliqua prosecutione, inde penes nos aut thesaurarium et barones de scaccario nostro aut alios officiarios seu ministros nostros quascumque aliquo modo, faciendo; et quod nec præfatus episcopus, nec successores sui, occasione præmissorum seu eorum, per acceptationem præsentium, de libertate prædicta aliquo modo in futurum estoppentur seu præjudicenter, sed omnibus libertatibus et regaliis suis perantea usitatis gaudeant et utantur, præsentibus non obstantibus. In cujus, &c. teste rege, apud Conventre, vicesimo primo die Julii 1473. Per ipsum regem, et de data prædictæ, auctoritate parliamenti.——Rymer's Fœd. vol. xi. p. 783.

† Upper and lower dies.

" of trussels and two dozen of standards for pennies, but no " mention is made of halfpennies."*

The author of this curious treatise gives us five more specimens,† on which he observes, that, the first of the engraved pen- " nies is mutilated, the legend upon the obverse obliterated, and " that upon the reverse so very imperfect that it is not legible. " We may, however, discover, from the remains of those letters " still visible, that the inscription is blundered; and it is the " more reasonable to suppose it so, as the B, which is the initial " of the bishop's surname, upon the side of the king's bust is re- " versed. The mint-mark upon the obverse is three pellets, set " triangularly, in the same manner as those are by the side of " the mask, opposite the B.‡ Upon the centre of the bars of " the cross, upon the reverse, is the letter D, (which must be " read *Dunelmensis*,) from which, and the B upon the obverse, " we may be certain that this penny was coined by bishop Booth, " in his mint at Durham. In the same cabinet with the above§ " are several others, which vary some little from this: One has " the letter B on the other side of the king's bust, which is set " slanting, but without any pellets; the letter D is also placed as " that upon N° 1. &c.—N° 2. has this epigraphe, EDWARD " DI GRA REX ANGL.; upon the right side of the king's bust " is the letter B, for Booth; the cross side reads, CIVITAS DVN- " ELMIE. This penny has a rose upon the centre of the bars " of the cross, made like those of the York mint. The rose, " though differently made, is also the mint-mark; but it appears " only upon the obverse.—N° 3. is the reverse of a penny, which " upon the head side, differs not from those issued from the royal

* From the close rolls of the Chancery at Durham, Rot. A. Booth, No 22.—Laurence by the grace of God busohop of Duresme & chaunceller of England to all Christen people, this p'sent wryting herying or seying gretying in God everlasting. For so much as our sov'eign lord Kyng Edward the fourt of hys habundant grace has licencid us for to grafe and to make conyng iryns both for penys and half penys necessarie for our mynt in Duresme at our pleasour within our castell of Duresme. We there fore have assigned and licencid our wel belovyd William Omoryghe of Yorke goldsmyth for to make grave and prynte ij dosen trussellys & j dosen standerdys for penys, & iiij standerdys & viij trusselys for half penys within our castell of Duresme be the advyse and oversyght of our right trusty & wel beloved mast. Henry Gyllowe chaunceller of Duresme. In witness herof we have to this p'sent wryting set our gret seale, yeven at Duresme the xxvj day of August the yere of our consecration the xvj*ten*.

Same roll and number.——A like licence to make grafe and prynte iij dosen trussels & ij dosen standerdys for penys within the castell of Duresme dated the iiij day of August in the 17th year of his consecration. Randal's MSS.

† See plate of coinage, G G G G. N° 1, 2, 3, 4, 5.

‡ The D, and other marks noted by Mr Noble, appear to be numerals, and refer to the sum coined in that die. If some account of this sort was not intended, what need for so many dies for one coinage?

§ Mr Barker's, of Birmingham.

" mints in this reign. The legend reads, EDWARD REX " ANGLIE, and between the words are small crosses; the re- " verse, CIVITAS DONOLI'; and upon the centre of the bars " of the cross is much such a rose as the mint-mark upon N° 2. " As there are no initials upon this piece, it may be questioned " whether it was not coined by bishop Dudley, who likewise pre- " sided over the See of Durham in this reign; but as the prelate " whose coins we are now giving was the first in the reign of " Edw. IV. it is more reasonable to suppose that he would give the " rose only, than bishop Dudley who must have been aware, that, " as the rose had been the device of his predecessor, it would " be no distinction of his money without some addition. It should " also be remarked, that bishop Booth copied the rose, as well " as several other peculiarities which are found upon the prela- " tical coins of York, as will be seen hereafter. From these cir- " cumstances it is apprehended that this coin is properly appro- " priated to bishop Booth.—N° 4. has this inscription upon the " obverse, EDWARD DI GRA REX ANG.; the letter B is " also upon one side of the bust, and a key upon the other; the " reverse reads, CIVITAS DERAME; the letter D, for *Dunel- " mensis*, is placed as upon N° 1.; and the mint-mark, if there " was one, would be upon the obverse only. Others of this type " have the rose, instead of the letter D, upon the bars of the " cross upon the reverse.—N° 5. is a very curious penny of this " bishop; the epigraphe upon the head side is, EDWARD DI " GRA REX ANGLIE. On the sides of the bust are the let- " letters C, for *cancellarius*, and a cross formed of four pellets " joined. The type of this penny was copied from one of arch- " bishop Kemp, who like him, was both lord chancellor and a " prelate, and both endeavoured to express their two-fold office " upon their money: The reverse reads, CIVITAS DONOLI. " A coronet is the mint-mark, but it appears only upon the ob- " verse. The different types of bishop Booth's money were un- " doubtedly copied from the archbishops of York; the initial of " the prelate's surname, which we find on his pennies, is the first " specimen of the kind upon the obverse of any of the Durham " money; the initial of his temporal honour his also (as has been " observed) copied from a York coin; and lastly, the rose and " key are both evidently borrowed from thence; for neither the rose " nor the key have any connection with the Durham mint, but " are both of them the proper distinctions of the money of York, " particularly the latter. It is wonderful how differently the name " of this city is written upon the Durham money, from the reign " of Hen. III. to that of Hen. VIII.; whereas the cities of Can- " terbury, London, and York, are spelt with little or no variation.

"No cabinet, we presume, is possesssed of an halfpenny either of "bishop Booth or of his successor, though we have several of "their pennies: It is more observable, as Mr Snelling acquaints "us, that the halfpennies of this king are common, and the pen-"nies very scarce."*

To the cause before assigned for the neglect of public works in this prelate's time, the barrenness of public records in this province is also to be attributed. Besides those before noted, there are three patents of high sheriffs, in 1466, 1469, and 1470; and two licences to embattle and fortify places of residence, one in 1462 to the rector of Redmarshall to fortify the tower of his rectorial house, and another in 1470 to Chr. Conyers, esq; to embattle and fortify his manor house of Sockburn.†

* Mr White, of London, who has so extensive a cabinet, is not possessed of a Durham halfpenny, nor did he ever see one.

† See Redmarshall and Sockburn in vol. ii. of this work.

Commissions for arraying soldiers for the king anno 4° pont. 1 K. Edw. IV. 1461. Rot. M. M. 37. 44. 45.

Commission to levy money for the aid of Hartlepool in the time of K. Hen. VI. by bishop Booth. Rot. A. N° 21.

Inquisition to enquire touching the incorporation of weavers and shoemakers in the city of urham, Rot. M. N° 85. and N° 16.

Commissions of conservatorship *Pro aquis de Tease, Skerne, Gawnles, Weare, Tyne, & Darwent, infra compalatin. Dunelm. sur stat. de Westm.* 2 & 3 *K. Rich. II.* Rot. A. N° 2. 1468.———Spearman's Enq.

Henry Percy mil. p. offic. sen. de Bedlingtonshire *ad terminum vitæ suæ.* Booth, Rot. A. N° 37.

Newcourt Repert. Lond. vol. i. p. 44. udg. Hist. York, p. 18. Grey's notes. 1457. 35 K. Hen. VI. De licentia eligendi episcopo. p. 402———Rymer's Fœdera, vol. ii.

The other records in Rymer are quoted in the preceding notes.

In the 8th year of K. Edw. IV. a statute was made concerning liberties of company, wherein the forfeitures therein ordained arising in this province, are directed to be recovered in the court of the bishop of Durham, in the county palatine of Durham, before the justices there.

Lawrence Booth, chanc. of Camb. Elected.
Constituted 15th Sept. 1457.
Consecrated 25th Sept.
Temporalities restored 18th Oct.
Translated to York 1476.
Died 19th May 1480.

Officers of the See during the time of Bishop Booth.

High sheriffs and escheators,—Geffrey Middleton, oc. 18th Dec. 1457. Rot. A. Booth, N° 5.

John d'Aderton or Aytherton. Esq; ap 28th Dec. 1461. Rot. MM. N° 40—N. B. By this appointment of Aderton, it seems as if bishop Booth did not think Middleton's pat. of high sheriff for life was good and valid in law. However, ex mandato regis (as the bishop's pat. recites) G. Midelton was ap. 8th Dec. 1462, but during pleasure only. Rot. MM. Booth. N° 54

Temporalities seized by the king 7th Dec. 1462. (the cause uncertain) a'o 2° r. Edw. IV.

Guardians,—J. Fogge, knt. Joh. Scott, knt. and Tho. Colte, 28th Dec. 1462. Rot. MM. N° 75.

John Burneby, D. D. was made prior in 1456, and presided eight years; on whose death Richard Bell, B. D. succeeded, and

Rob. Tempest oc. under-sheriff 3d Feb. 1463. Rot. B. Booth, N° 11, Temporalities restored again 17th Apr. 1464.

High sheriff and escheator,—Atherton came in again either by the death or supersedeas of Middleton, I presume a'o 1464. He oc. Jun. 1466.

Will. Claxton, Esq; ap. Mar. 17, 1466. Rot. MM. N° 105.—Atherton's supersedeas dated the same day. Ibid. N° 106.

Hen. Radclyffe, Esq; ap. 6th Aug. 1469. Rot. A. N° 8.—Claxton's supersedeas dated the same day. Rot. B. N° 92.——Radclyff oc. escheator 1470, and 7th May, 1476.

High sheriff,—Geo. Lumley, knt. ap. 14th Nov. 1470. Rot. A. N° 14—Bishop Booth separated the two offices, by appointing Lumley high sheriff, and continuing Radclyff escheator.

Escheator,—Tucherus Bold oc. by an inq. taken 28th July, 1470.

Temporal chancellors,—Hen. Preston, Esq; oc. 1st Dec. 1457.—Again 8th Dec. 1462.

Temporalities seized by the king.

John Lounde, cl. ap. by K. Edw. IV. 12th Jan. 1462.

Temporalities restored.

Hen. Gillowe, cl. oc. 14th Apr. 1465.—Again 14th Sept. 1476.—Preb. of Tockrington, in Y. ch. 24th Jun. 1476, which he resigned.—Subdean of Y. admitted 7th of May, 1478.—By will, proved Apr. 1483, appoints to be buried in Houghton-le-Spring ch. y. near his mother's grave, a chap. to be built over him, and a chantry to be founded, if leave could be obtained.

Constables of the Castle,—Henry Preston, Esq.

Hen. Preston and Hen. Radclyff, Esqrs, ap. jointly for their lives. Dat. Dun. 10th Jun. 1476. Rot. A. N° 46.

Senescals,—Tho. Nevil de Brauncepath, knt. ap. during pleasure. Dated Dun. 16th Dec. 1457. Rot. MM. N° 1.—— He was senescal during the vacancy of the See after Bp. Nevil's death, Cop. B. EE. p. 4. and p. 13. the last time.—5. Cop. B. E. begins Te'pe vacationis 1457. A leaf wanting, p. 15 and 16.

Will. Raket, Joh. Staunford, and Rob. Preston, ap. commissaries h. vice tantum, to hold all the courts as well of the halmots as of the barons whatever of the bishoprick between Tyne Tese, and Bedlyngtonshire, 6th Mar. 1457. Rot. MM. N° 4.

Rob. Werdale ap. commissar. during pleasure 1st ap. 1460; oc. 30th Oct. 1462. Rot. MM. N° 27.

Will. Raket, Joh. Staunford, Rob. Werdale, and Rob. Preston, ap. commissar. during pleasure, to hold all the courts, 14th Aug.——Ib. N° 5.

Temporalities seized.

Joh. de Nevill mil. d'nus de Mountacu, ap. by Edw. IV. 20th Jan. 1462; oc. the last time 29th Apr, 1463.

Rob. Werdale, sub-senescal; Joh'is Nevill, oc. 18th Apr. 1463.—Cop. Book, E. p. 217.

Temporalities restored.

Joh. Comes Northumb.—Cop. Book, E. p. 229, 350; oc. 23d Jul. 1464, and 3d Dec. 1466, the last time.

Rob. Eure, arm sub-sen. Joh'is com. Northumb. 23d Jul. 1463.—Cop. Book, E. p. 229; last time 3d Dec. 1466, p. 350.

Tho. Moreslaw, oc. 5th Nov. 1467; again 20th Oct. 1473.—Cop. Book, E. p. 353, 765.

Hen. Radclyff, esq; oc. com'issionar. 14th Mar. 1473, first time; again ult. Nov. 1475, the last time.—Ibid. p. 767, 616.

Tho. Midleton, steward, pro sub-sen.—Cop. Book, E. p. 617; oc. ult. Apr. 1476; again 10th May 1476, the last time.——Ib. last, p. but one, 627.

sat thirteen years, being promoted to the See of Carlisle in the year 1478.*

On the translation of bishop Booth to York, by provision of the See of Rome,

WILLIAM DUDLEY,

then dean of Windsor,† was nominated to this bishopric; in consequence of which he was elected the 26th day of September, 1476: did homage to the king, and had the temporalities of the See restored, on the 14th day of the following October‡. He was son of Sir John Dudley, knight of the garter, and ancestor of the barons Dudley. Wharton says, he was *viri nobilis Johannis Baronis Dudlæi filius*; but the former account is more just. On the 29th of July, 1470, he was admitted prebendary of Stillington in York cathedral; and on the 13th of Feb. 1476, obtained a canonry in Wells cathedral: was also archdeacon of Middlesex, and canon of Wolverhampton. He was a great benefactor to Dudley church, in Staffordshire, and to the college before mentioned.§

Bishop Dudley sat only six years, but it was a period in which the state suffered great convulsions, yet it does not appear he was in any public commission. The dreadful machinations by which Richard duke of Gloucester was opening his passage to the throne, do not seem to have had any particular influence on the northern parts of this kingdom, other than such as proceeded from the change of possessors in the large estates of the Warwicks. The duke of Clarence espoused the great earl of Warwick's eldest daughter; the duke of Gloucester the younger, relict of the unfortunate Edward, son of Hen. VI.; yet before Clarence's impeachment, which was not till the year 1478, the duke of Gloucester was in possession of the estates of the Warwick family in

Ra. d'nus de Nevil, nepos e'pi, ap. for life 14th Jun. 1476.—Rot. A. Booth, N° 84, annuale feod. 40*l.* P'viso q'd solvat. an Tho. Midilton legisp'ito subsenescallo 20*l.* & 66*s.* 8*d.* Tho. Farehare clic. Halmitor.

Attornies-general,—Nich. Tavernier, fee 40*s.*

Tho. Moreslaw, fee ibid.——Randal's MSS.

* 10th Oct. 1464 Rot. Booth M. N° 86. Licentia priorem eligendi concedend. dat. apud Grancest. 28th Oct. 1464.——Ibid. N° 87.

† A. D. 1473, with the chapel royal.

‡ The king, reciting that his beloved clerk, Mr William Dudley, was made bishop of Durham by the pope's apostolical authority, freely grants him all the profits arising out of the b'prick during the vacancy, without being liable to render any account, or to make any compostion for the same to himself thereafter.——Randal's MSS.

§ W. de Chamb.—Ang. Sac. p. 778.

this province. There is a darkness in this matter not easy to clear up, otherwise than by a conjecture, that in partition, between the coheiresses, the northern possessions were assigned to Anne duchess of Gloucester. It is certain the duke of Gloucester, in 1477, was possessed of Barnardcastle, and obtained a royal licence to institute and erect a college within the castle, for a dean with twelve chaplains and six choristers, with power to purchase lands for its endowment.* This is a remarkable circumstance, as, in the tenth year of this king, he confirmed to bishop Booth the forfeitures by the attainder of the earl of Warwick, as is shewn by the king's letters under his privy seal, wherein the history of former forfeitures is rehearsed. If restoration in blood and of estates was made in favour of the duke of Gloucester, for Anne his wife, it is singular he should be in possession here, before the impeachment of the duke of Clarence, and against the earl of Warwick his son: This is an obscure part of our provincial history not easily reconciled. The other singularity arising on this matter is, that the king should grant his licence by letters patent for founding a college within the limits of the county palatine of Durham, in deprivation of the rights of the bishop. The prelate does not appear under the displeasure of his sovereign; he had restitution of the temporalities on the 14th day of October 1476,

* Pat. 17. K. Ed. IV. part 2. M. 16. Mon. Angl. tom. iii. p. 11. p. 203.—— For this record. vide Barnardcastle, vol. ii.

It is probable the resignation of Barnardcastle, was a condition on bishop Dudley's nomination.

Will'us &c. Sciatis, quod nos, &c. considerantes gratiam favorem que excellentissimus princeps Richardus dux Gloucestr, & metuendissimi d'ni n'ri Edw'i 4ti. R. Ang. frater carissimus, erga nos ac eccl'iam n'ram Dun. semper gesser, &c. Concessimus eidem excellenti principi quandam annuitatem 100£. h'end. & p'cipiend. sibi annuatim durante vita n'ra ad festam, &c. per manus firmarior. sive occupator. parci nostri de Stanhop in Werdale, & per manus firmar. sive occupator. shelar. & herbarg. infra altam forestam n'ram in Werdale sibi annuatim solvend. In cujus &c. 1° Maij a'o 3°.

Dimissio eidem duci parci de Stanhope & altæ forestæ in Werdale h'endum durante vita n'ra——in satisfaction of the said annuity of 100£. per. ann. with an exception of mines, profits of courts, &c. 2° Maij a'o 3°.——Rudd's MSS.

L'ra paten. Ric'o duci Gloc. pro levacione ho'in'm in epat. Dun. contra regem Scotiæ, 4° Julij a'o 4°.

A commission of the peace. Justices, Rich. duke of Glocester, Ralph earl of Westmorland, Ra. lord Nevil his nephew, Sir Geo. Lomley, Sir Ch. Conyers, Sir. R. Claxton, John Kelyng clerk chanc. Guy Fairfax serjeant at law, Rich. Pygot serjeant at law, Tho. Middleton, Wm Claxton esq. Wm Raket, John Baynbrig, and John Raket. 1° Dec. a'o 1°.

Justices of assize. The E. of Westmorland and his nephew, J. Kelyng chancellor, serjeant Fairfax, serjeant Pigot, Henry Preston, Wm Raket, Tho. Middleton, & Leo. Knight. 1° Dec. a'o 1°.

Goal delivery. Same persons, with Rich. Baynbrig & John Raket. Same date. ——Ibid. MSS.

and the above-mentioned instrument bears date the 21st day of February 14[7]7.

The irruption made by the Scots, during this bishop's time, did not extend beyond the borders. The duke of Gloucester's army, which moved in support of the duke of Albany, was composed chiefly of northern men; and we find several records of the palatine troops being arrayed to join therein,* some of which merit particular notice, where the summons is in the name of the duke of Gloucester and others. It appears that Edw. IV. was making innovations on the palatine jurisdiction, from the instances before noted: The overbearing character of the duke of Gloucester, and his great influence in right of the possessions of the Warwicks, might be the causes of those over-stretches of power, as they appear to have arisen after the time of his influence.

In this bishop's time, Edward IV. departed this life; a prince whose character was marked with a multitude of errors. His fine person and elegant carriage served only to render the depravity of his mind more striking; his enormities seeming to gain magnitude by the observer's disappointment, who, from an outward countenance was flattered with the ideas of generous and noble actions. His cruelty was brutal; he never shewed the least compunction for the blood in which his hands were embrued; the image of mercy had not made an impression on his soul, or the nature of the contest, in which he thought it necessary for his cause to cut off so many of the nobility, would have whispered it to his bosom. The execution of his brother, the duke of Clarence, has not yet found a justification even from the depraved pens that worshipped courts in bloody ages. The want of humanity, and every generous feeling of the heart, was expressed by the blow the ruthless tyrant gave prince Edward his captive, whose only crime was his heroic virtue. The king's courage and valour were not the effect of principle and virtue, but as the savage ragings of the lion. His lasciviousness, perfidy, and contempt of public obligations, were only to be reconciled by his total want of religion;† yet we find under this character one of the most prosperous of men.

* Rot. A. Dudley, N° 44.—Commission of array, by bishop Dudley, anno 4° pont. sui anno 21 Edw. IV. regis, to serve under Richard duke of Gloucester, brother and general of Edw. IV. against the Scots.

In nova forma duci Gloucestor. & aliis——Ibid. N° 40 & 28.——Spearman's Enq. p. 13.

† Collier, vol. i. p. 684, gives an instance of his religious reverence, after the battle of Tewksbury, when entering a church with his sword drawn, where several of his foes had taken sanctuary, he was met by a priest bearing the elements, who demanded pardon for the refugees, which, in regard to the sacred exhibition, or to the sanctity of the priest, he granted.

On his demise, his eldest son Edward, then twelve years of age, was proclaimed his successor, by the title of Edward V. but he was never crowned; his uncle Richard duke of Gloucester ascending the throne on the 20th or 22d* day of June 1483, and being crowned king of England, on the 6th day of July following, in deprivation of the family, of his brothers Edward IV. and the duke of Clarence. The very means he used to give a countenance to his claim, was the fatal allegation Edward published to reconcile the execution of the duke of Clarence, *that he had affirmed the king was not the issue of the duke of York.* Rapin's words on this occasion are, "Herein must be admired the blindness of "of men, and the justice of Heaven: Edward makes use of a "false accusation to put his brother to death, and thereby created "suspicions, which were to serve thereafter to ruin his own chil-"dren." Afterwards Edward V. and the duke of York his brother, then nine years of age, were removed with such art and secresy, that their fate remains to this day uncertain. The duke of Clarence's children, being yet unpurged of their father's attainder, were esteemed incapable of inheritance, so that Richard held the diadem in a specious security.

After being a witness to such revolutions, bishop Dudley departed this life on the 29th of November 1483, and was interred in St Nicholas' chapel in Westminster Abbey, where his monument yet remains, with his effigies inlaid with brass, and this epitaph round the margin: Hic jacet Gulielmus de Dudley, e familia Baronum de Dudley, Dunelm. Episcopus, obiit A. D. 1483

The short time bishop Dudley held this bishopric, and the troubles which prevailed in the state during that period, will in a great measure account for the want of public works within this province, and the barrenness of records in his time.†

* According to Sir Thomas More.

† Godwin.—Newcourt's Rep. Lond. vol. i. p. 81. Fuller's Worthies, Staffordsh. p. 42. Engl. Worthies, 763.—Antiq. of St Peter's West. 66, 76.—Grey's notes, MS.

A. D. 1476, 16 Ed. IV. *De restitutione temporalium Dunelm.* Dudley, p. 35.

—— 1478, 18 Ed. IV. *Pro archiepiscopo Eborum,* W. Dudley, *bpp. pro relaxatio delapid.* 60.——Rymer's Fœdera, vol. xii.

17 Ed. IV. chap. 1. *An act concerning money,*——Provided that this act, for the division and partition of any forfeiture therein contained, shall not extend to or for any forfeiture to be had or made within the liberties or franchises of Wm bp. of Durham: And it is ordained by the same authority, that Wm bp. of Durham, and his successors, bishops of Durham, shall have all such partitions and forfeitures which shall happen within the said liberties and franchises, in as ample and large form as the king should or ought to have in any other place by force of this act."

17 Ed. IV. chap. 2. *An act for the court of pipowders.*——"Provided always, that this act, nor any thing comprised in the same act, be hurtful or prejudicial to Wm now bishop of Durham, or to his successors within the liberty and franchise of the b'prick of Durham."

In 1482 he granted his licence to the prior of Durham to purchase in mortmain.* In 1483 he licensed the rector of Houghton-le-Spring, to embattle and fortify the tower of his rectory-house;† and the same year granted a licence to Ralph lord Nevill, and dame Isabell his wife, to found a chauntry in the church at Brauncepeth.‡

In consequence of the charter granted to bishop Booth beforementioned, in folio 438, this prelate gave his licence, dated the 21st of March, in the first year of his consecration, to William Omeryche, to make, grave, and print three dozen of trussels and two dozen of standards for pennies, and two dozen of trussels and one dozen of standards for halfpennies, within his castle of Durham.‖

22 Ed. IV. chap. 8. *An act concerning apparel.*——"That all such pains and forfeitures in and for the premisses within the b'prick of Durham, shall be to the bp. of Durham and his successors."

22 Ed. IV. chap. 8. *Act,—Merchandises carried into or fetched from Scotland shall be first brought to Berwick. The freemen of Berwick shall have to farm the fishing there.*——"Provided always, that this act, nor any other act, made or to be made in the said parliament, do not extend or be prejudicial to Wm bp. of Durham, nor to his successors, in or for any manner of thing pertaining or in any wise belonging to him."

* Licentia p. (Roberto) pr. Dun. de terr. adquirend.——Dudley, Rot. A. N° 70. "Quod ip'i & succes. sui ter. &c. ad valor. 20 librar. que de nob. non tenenturp. servic. militare acquirere, &c. statuto ne terr. & ten. ad manum mortuam non ponend edito non obstante dum tamen per inquisiciones inde in forma debita capiendas & in cancellar. n'ra & succ. n'ror retornand. compertum sit quod id fieri possit absq. damno vel, &c. n'ro & succ. n'ror, 10 Oct. 1482."

Inq. de ad quod damnum p. pr. Dunelm.——Dudley, Rot. B. N° 67. "Oct. mes. & t'tiam p'tem unius mes. quinq. col. quindecim tofta & medietatem unius tofti tria crofta, viginti & quatuor burgagia & medietatem unius burgag. decem ten. 444 acras terre 15 acr. tres rod. & dimid. unius rod. prati 9 solidat. & novem denariar. redd. cum p't in Cletlam p'va Hesswell, Volveston, Fery, Billingham, Acley, Morton-Tinmouth, Hebarne, Baronia de Elvet jux. Durh. Burgo de Elvet jux. Durh. vet'i Burgo Dun. vico S. Egidij jux. Dun. Burgo Dun. & Ballio australi Dun.

Mortizacio div'sar. terrar. & ten. p. pr. Dun. acquisit. p. licentiam." Rot. B. N° 77.——Randal's MSS.

† Lic. J. Kelyng, cl. r'coris de Houghton de quad. turre infra r'coriam ibid. battleland. 6 Oct. 1483. Rot. Dudley, A. N° 87.—See Houghton-le-Spring in vol. ii.

‡ Rot. A. Dudley, N° 94. 20 Sept. 1483. *Commission of enquiry after wreck of the sea.*——"Hugoni Smell & Johanni Goodyer legum doctoribus & aliis, ad inquirend. de navifract & restituend. bona navis juxta Hartinpole versus Thomam Lumley dominum de Lumley, & alios qui navem & bona fregerunt, &c." Rot. A. Dudley, 17 Ed. IV. 1477.

Similis commissio Geo Lumley militi & aliis pro navifract. apud Newburne Rawe juxta Hartinpole. Ibid. N° 51. 14 May, anno 5° ejusdem episc.——Spearman's Enq. p. 22.

‖ Dudley, Rot. A. N° 10. Close Rolls at Durham, 21st March, 1477.——In a similar form to the licence of Bp. Booth, before given in the notes; save that it was sealed by the hands of John Kelyng clerk, chauncellor; and is printed at length in the appendix to Noble's dissertation on the Durham mint.

Mr Noble proceeds to give four specimens of the coin.* "N° 1. has upon the head side EDWARD DI GRA REX ANGLIE; and on the sides of the king's bust is the letter D and a cross, the former is meant for the initial of the bishop's surname; the reverse reads, CIVITAS DONOLI.—N° 2. is a coin of his, which has lost the legends on both sides; but upon the obverse there are the two first letters of his surname (D. V.) by the sides of the king's bust; on the reverse, the letter D, for *Dunelmensis*, appears on the bars of the cross. Mr Snelling mentions a penny of Durham in this reign, which has

The See vacant.

Constables of the castle,—Hen. Preston and Hen. Radclyffe, Esqrs.

Senescals,—Ra. d'nus de Neville.

Will. Dudley, dean of Windsor,

Elected 26th Sept. 1476.

Did his homage, and had temporalities restored 14th Oct. 1476.—Rot. A. Dudley, N° 1.

Died Nov. 1483.

Oc. Bp. 1st Oct. 1483, in rotulis. } Rot. B. Dudley, N° 72.

Oc. the last time 8th Nov. a'o pont. 8° }

Officers of the See in the time of Bishop Dudley.

High Sheriffs,—Rob. Tempest, Esq; ap. 20th Nov. 1476.—He was also appointed escheator at the same time. Rot. A. Dudley, N° 41. Oc. again 15th Sep. a'o 1477.

Sheriff only at Mich. 1477. The offices of sheriff and escheator were continued in two distinct persons from that time by himself and successors. Rot. A. N° 72.

Ra. Bowes, Esq; ap. 4th Oct. 1482. He continued sheriff 20 years. He married to his first wife a daughter of lord Scroop, and to his second a widow, niece to bp. Booth.

Escheators,—Wm Lambton, esq; Mich, 1477; oc. 20th Apr. 1478. Rot. A. N° 76.

Tho. Popely, (bisbop's servant) ap. 20th Sept. 1480; oc. 24th Sept. 1482.

John Esh, esq; oc. 28th Oct. 1482; again 1st Apr. 1483, and 3d Nov. 1483.

Temporal Chancellors,—John Kelyng, cl. ap. 18th Nov. 1476, during pleasure. Rot. A. N° 3. Oc. 22d Mar. 1478. He was also receiver-general, and keeper of the great seal, by the same letters patent, dat. Dun. 18th Nov. 1478. Rot. A. N° 3, p'ip'um e'pu.

John Semer, cl. oc. canc. 17th May 1479, and 15th June 1479, forte canc. p. te'pore.

Joh. Kelyng, again, 20th Aug. 1479; again 20th Nov. 1483.—Will'us Dei gra. &c. dat. &c. p. man. Joh. Kelyng, cl. canc. n'ri xx° Nov. 1483—[N. B. This is the last act of b'p Dudley, which appears upon the chancery rolls.]

Constables of the castle,—Henry Preston and Hen. Radcliff, esqs; Hen. Radclyff, esq; consanguines e'pi; ap. for life 20th June 1481.

Senescals,- Ra. d'nus de Nevill.

Tho. Midilton and Roulland Ludworth legisp'iti servientes e'pi ap. jointly for life 4th Mar. 1482. Rot. A. N° 78.

Attorney-general,—Rouland Ludworth, ap. during pleasure, 14th Dec 1478.—ap. for life 4th Oct. 1480.——Randal's MSS.

* See plate of coinage, letters H. H. H. H. N° 1, 2, 3, 4.

"the letters D and V by the sides of the bust, but does not "appropriate it to this or any other prelate.—N° 3. has this epi- "graphe on the first side, EDWARD DI GRA REX ANGL.: "the legend on the reverse is CIVITAS DUNEL.....; in the "centre of the bars is the letter D, which we are to suppose the "initial of this prelate's surname. The rose, which is the mint-mark "of some of the coins of bishop Booth, is no objection to our "pronouncing it a penny of this prelate's, as it is well known that "the rose, as a mint-mark, is used often upon both the regal and "prelatical coins struck in this reign.—N° 4. has lost some part "of the epigraphe upon the obverse; what remains is EDWAR- "DI.....ANG.; there is a cross on each side of the king's "bust, to shew that it is prelatical; the reverse reads, CIVITAS "DERHAM. Both this and N° 1. have a coronet for the "mint-mark, but appear only upon the obverse."

On the promotion of Richard Bell to the See of Carlisle, in 1478, Robert Ebchester, D. D. was elected prior, and died in 1484.

In the month of January succeeding the death of Bishop Dudley,

JOHN SHERWOOD, S. T. P.

was appointed bishop of Durham. He was brought up at University-College, Oxford, where he acquired the reputation of a very learned man. He was in great esteem with Edward IV. and was so eminent a lawyer, that he was advocate for that monarch at the See of Rome, in all matters agitated there pertaining to the crown.* He was, as Leland says, *(apud Balæum)* a learned man; and, from similitude of studies, an intimate acquaintance of Roch the Carthusian monk, both of them courting the muses, and being good poets.† Whilst he was in Italy on state affairs, he collected many choice books, and brought home several valuable copies of Greek authors, in which language he was a proficient.‡ He was chancellor of Exeter, and on the 14th of July 1465 was admitted archdeacon of Richmond in York cathedral. Forgetful of the favours conferred on him by his sovereign Edward IV, he forsook the interest of that family, and with a time-serving spirit attached himself to the prevailing party. He assisted at the coronation of Richard III, walking in the procession on one hand of the usurper, and the bishop of Bath on the other;§ the archbishop of Canterbury, with the rest of the

* Godwin.

† See Leland de scriptorib. Britan. c. 239. Idem—vol. iii. p. 41, he wrote a poem in praise of England. ‡ Leland.

§ Antiq. Eccles. Brit. p. 262.—Godwin, p. 526.—Hollingshead, p. 733, 734.

bishops and abbots, mitred and in rich copes, each carrying a censer, in great solemnity preceding him, and assisting at his coronation. In Rymer's Fœdera* are several letters of Richard III. to the See of Rome and the college of cardinals, in behalf of our prelate, wherein he requests them to abate some part of the dues payable by him at that time to the pope and college, in consideration that almost all the towns, possessions, and castles of his bishopric, were situated in that part of England which lay contiguous to Scotland, and were in use to be supported and defended by the bishop of Durham. This he observes could not be done without a vast expence, as might be easily conceived from the bishop's being obliged to keep a hundred mercenary soldiers in one of his castles, even in time of peace. "What then is to be thought," adds he, "of the whole number of his castles and other places, especially in the time of the present most grievous war, that we are carrying on with the most fierce and hardy nation of the Scots?" He observes further, that the castles and towns belonging to the church at Durham were in so ruinous a state, partly through the negligence of preceding bishops, and partly by the devastations committed by the Scots, that the revenues of several years would not be sufficient to restore them. Such representations were in many instances deviations from truth. It was not till within sixteen days of the battle of Bosworthfield, viz. the 6th day of August 1485, that the bishop received restitution of the temporalities; but no cause is assigned for the delay.†

In the several truces, and other negociations with the states of Scotland, the bishop is not named in any commission of this king. The troubles which subsisted between the two kingdoms

* A. D. 1484, 1 Rich III. ecclesiæ Dunelm. litera ad papam pro Johan. Sherwood epis. Dunelm. p. 214.
Litera ad papam pro d'o. p. 216.
Litera ad cardinales pro d'o, &c. p. 217, 222, 224.
Pro episcopo Dunelmensi pro sterling's fabricandis, p. 252.
1485, 3 Rich. III. De restitutione temporalium Dunolmen. p. 272.
1485,——Pro I. Sherwood ep. Dunelm. de pardonatione. Ibid.——
Rymer's Fœdera, vol. xii.

† Johannes Sherwood consecratus fuit episcopus Dunelm. A. D. 1483 & erat episcopus xi. annis, & obiit A. D. 1494.——W. de Chambre.—Wharton's Angl. Sac. p. 778.

Johannes Sherwood collegii universitatis Oxon. alumnus (quem ob amæniorum, literarum studium Baleus prædicat. cent. xii. c. 61, & exemplaria Græca ex Italia in Angliam advexisse memorat.) Archidiaconus Richmundanus admissus est 1465, 14th Julii. Episcopus Dunelmensis ab archiepiscopo Ebor. confirmatus 1485, 10th Aug. Bona ejusdem defuncti sequestrantur 1493, 4th Feb. Huic suffraganeus erat Thomas Radcliffus episcopus Dromorensis in Hibernia; qui obiit paulo ante annum 1489. Ex registris ecclesiæ Ebor. & archiepiscopi Rotherham, & libro Dunelmensi Domitian, A. 7.

were confined to the borders; and the armed powers of this province, mentioned in the king's letters before noticed, were no other than the ordinary garrison for Norham and other places of strength.

The diadem, waded to in blood, was soon wrested from the wretch, whose ambition had been gratified at the expence of every nerve of which humanity is framed. Henry earl of Richmond, of the Lancastrian line, by a contract of marriage with Elizabeth the eldest daughter of Edward IV, mounted the throne, under a plausible countenance of conciliating the dissentions of the two houses, by uniting their claims: And so rejoiced were the people on their release from a tyrant, whom historians could not sufficiently condemn to posterity, and so happily were they flattered with the idea of terminating the dissentions which so long had divided and distracted the state, that, without examining Henry's title, he was received with universal acclamations, and in the year 1485 raised to the throne, by the title of Henry the Seventh.

The bishop is not named in any commission in this king's reign; and indeed it is probable, in the rebellion of Lambert Simnel, aided by John de la Pole earl of Lincoln, in the year 1487, that many of the people of the palatinate and more northern counties, who retained their old affection for the Warwicks, were engaged in the insurrection, and not without the countenance of our prelate. Henry VII. made a progress personally through the northern parts, and carried on a severe inquisition against those concerned in that rebellion. In the bishop's records, Rot. A. N° 19, by virtue of the royal mandate to him directed, a commission is issued to enquire *de insurrectionibus infra regiam libertatem Dunelm.* The bishop of Durham was assuredly a person in whom the king put no immediate confidence; for whilst he was in the north for the purposes aforesaid,* he sent from Newcastle, (at which place he had arrived about the middle of August,)† into Scotland, Richard Fox, bishop of Exeter (afterwards translated to Durham,) and Sir Richard Edgecombe comptroller of the household, to treat with the Scottish king about finally composing all disputes between the kingdoms.

In 1488 the king was assiduous in levying the supplies granted by parliament, and all the counties, except Yorkshire and the bishopric of Durham, readily submitted to the tax; but in those parts, where the friends of the house of York yet remained very numerous, it was not collected with the same ease. Some factious persons stirring up the people, the collectors met with so much

* Rym. Fœd. vol. xii. p. 328. † Stowe, p. 472.

opposition, that they applied for aid to Henry Percy earl of Northumberland, then chief in power in the northern parts, who immediately gave notice at court, and demanded instructions: The king's reply was, that he would not remit any part of what his parliament had granted, both on account of his pressing necessities, and also to prevent other counties petitioning for a like relaxation. Upon this answer, the earl of Northumberland assembled the principal men of this province and the adjacent parts, and in imperious terms demanded immediate compliance. The determined phrase in which the earl addressed the people, served only to enflame the secret sentiments of their minds, which were already adverse to the king's interests; and in their wrath they conceived that the earl had encouraged the king to this rigour. A mob instantly arose, and beset the earl's house of Cocklodge, near Thirsk, whither he had retired, and slew him with several of his attendants. An enflamed populace seldom stop at one act of outrage; their numbers increased, their purposes were enlarged to more extensive views, and, setting Sir John Egremont at their head, they threatened to march to the capital, and demand redress sword in hand. The insurrection wore so serious a countenance, that the king dispatched the earl of Surrey with such forces as were ready, whilst he prepared to follow and support him at the head of a powerful army; but by the earl's alacrity the rebels were soon dispersed. The king, however, pursued his journey to York, where he caused some of the chiefs to be executed; and leaving the earl lord president of the north, and Sir Richard Tunstal his commissioner to levy the tax without remittance, he returned to London.*

It is not certain whether the bishop was resident in his See at the time of the commotions occasioned by Perkin Warbeck; but it is rather to be presumed, he went over to the continent, on the same errand with several others, to visit the duchess of Burgundy, and assist in council for the cause of the house of York; for he died at Rome in the month of January, 1493; no reason being assigned by historians for his journey thither; and immediately on his death being known in England, his effects were sequestered by the crown.†

There is no public work in this province attributed to our prelate, and few records of his time remain.‡ He was interred in the

* Rapin. † Ob. ante 4th Feb. 1492. Le Neves fast. p. 347.

‡ He appointed a surveyor-general, by commission dated the 20th Feb. 1491. "In consideration fidelitatis & gratuit. consilii & servitii que dilectus serviens noster & capellanus Robertus Chambers nup. thesaur. et hostilii n'ri, &c constituimus, &c. sup'visorem o'ium domorum castroru. mineraru. molendinoru. boscoru. terraru. & tenementoru. n'ror. &c. infra e'patu. n'ru Dun. qua. Norhamshire & Bedlingtonshire, &c.

church of the English college at Rome, with the following epitaph on his tomb:

Hic jacet R. pater Johannes Shirwode, episcopus Dunelm. serenissimi regis Angliae orator, qui obiit 12 Jan. 1493. Cujus anima in pace quiescat.

As to this bishop's mintage, Mr Noble says, "In the second "year of this prelate's consecration, he presented a petition to the "king, praying his* command to the treasurer and barons of the "exchequer, to give him three new standards and nine trussels, "for an equal quantity of broken ones of both sorts, which they "had received. From hence we learn, that the prelates of Dur- "ham had now lost the privilege granted them by Edw. IV. of "making their own puncheons or dies for coining their own mo- "ney, and were obliged to receive them from the treasurer and "barons of the exchequer, as was no doubt the custom before "the reign of Rich. III. As no halfpennies are here men- "tioned, it is probable the coining of them was now disused, and "probably never again revived."———He gives a† specimen of one of bishop Sherwood's pennies, and says, "This is a "very curious and valuable penny; the epigraphe upon the ob- "verse is RICARDUS REX ANGLIE; upon the king's "breast is a cross, to denote that it is a prelatical coin; upon "this side is the boar's head for the mint-mark, which was the "usual cognizance of this king, and is the most common mint- "mark of any upon the regal money of this reign; the legend "upon the reverse is CIVITAS DVNOLM. Before we ap- "propriate the money coined at Durham in the reign of Hen. "VII. to its particular prelates, it will be proper to take a short "view of the Durham coinage, and to lay down some particular

ac recipiend. p. feodo suo viginti marcas sibi annuatim solvend. &c. Rot. B. Sherwood, N° 30.———Randal's MSS.

He also appointed Geo. Percy senescal of Bedlington and Bedlingtonshire. Ib. N° 31.

He issued a commission to array the fighting men of his province, in the 6 Hen. VII. Rot. B. N° 21.

He leased out the mintage of Durham. Rot. B. N° 57, 58.——Spearman's Enq. p. 13, 14.

Commissio pacis.——Justices, the earl of Westmorland and his son; Ralph Booth. clerk, chancellor; Sir John Chyney, Sir Guy Fairfax, John Vavasour, serjeants at law; Sir Wm Eures, Sir Wm Hilton, Sir Edw. Pickering, Sir Roger Conyers, Rich. Danby, Tho. Metcalf, Wm Claxton, R. Baynbrig, Rob. Tempest, and John Raket. Dat. 10th July, a° 7°——Rudd's MSS.

* R. R.—Rex thesaurario & baronibus suis de scaccario salutem. Mandamus vobis quod receptis de venerabili patre Johanne episcopo Dunolmensi tribus standardis & novem trussellis ruptis, pro moneta stirlingorum in libertate sua regalia Dunolmensi fabricandi nuper factis, tria standarda & novem trussellos de novo fieri & praefato episcopo liberari faciatis. Teste rege apud Westmonasterium, &c.—Rymer's Fœdera, vol. xii. p. 252.

† See plate of coinage, letter I.

" rules to go by, in distinguishing the episcopal money of this " palatinate at this period. We have no money of this king's " first coinage, which represents him with a full face, either of " the Durham, or any other mint; but many of that city are to " be found of his second coinage. It must here be observed, " that the money underwent a great alteration with respect to the " type in this reign: the pennies have always the sovereigns " crowned, seated in a chair, with the sceptre in one hand, and " the orb in the other, with the king's name and title in the le- " gend: This type Mr Snelling supposed was borrowed from the " sovereign of gold, as probably it was. Upon the reverse appear " the arms of France and England quarterly; and those coined " at Durham are almost constantly with the initial of the sur or " christian name of the bishop in whose mints they were struck, " on one side of the shield with a D for the initial of Durham " on the other: By attending to the former, we shall be certain " to know to which of the prelates they belong. One of these " pennies has the initial of both the christian and surname of the " bishop, and most of them have either a mitre or a crosier on " some part of them, still further to denote that they are episcopal " money; yet neither Mr Leake nor Mr Snelling appropriate " any of these coins to any of the bishops. The first gentleman, " notwithstanding the proofs above given of these letters answer- " ing to these bishops names, says, that they must be for the min- " ter as they do not answer to any bishop of this See. It is well " known we have no mint-master's name upon our money since " the reign of Edw. I. nor was it ever placed in this manner; " add to which, we have constantly a D for one of the letters, for " *Dunelmensis*, except in a single instance, which has both the " initials of the bishops' names. Mr Leake is therefore mistaken " in saying, that they do not answer to any bishop of this See. " These letters have nothing to do with the minter, but are either " for the christian or surname of the bishop, and the name of " the place of coinage. This is further confirmed, by our hav- " ing letters placed, as these are, upon the archiepiscopal money " of Canterbury and York; but as there were more bishops of " this See, during the reigns of Hen. VII. and Hen. VIII. than " of the two former, there is a greater variety of these letters " upon the money of Durham, particularly as some of the bishops " put the initial of their christian, and others their surname; one " of bishop Sherwood's has the initial of both names, and some " of the bishops have the first letter of their christian name on " some of their money, and that of their surname upon others: " But what has most confounded our antiquarians, probably is, " that sometimes the initial of the christian name of one bishop

answers to the surname of another; and so on the contrary, the initial of the surname of one answers to another's christian name; in one instance, two of the bishops have the same christian name, and in another we have two bishops whose surnames begin with the same letter. We cannot however suppose, but these prelates had some particular rule of placing these letters, to distinguish their own money from that of the preceding bishop; and this is the fact, for by pursuing the following very simple mode, we shall be sure to discover by what prelate the piece was coined, which is this,—when the initial of the prelate's name is the first letter, such initial respects the bishop's christian name, and consequently when it is set after the D it will be for the bishop's surname; and this is a general rule. By an indenture dated the 20th of September 1490, this prelate appointed George Stryall, of Durham, goldsmith, to work his mint in that city, from the feast of St. Michael then next, for three years, paying four marks yearly to the warden of the Tower of London,* and he with several others became bound to the bishop in 300£. that what money he coined should be of the same alloy, assay, and weight, as that coined in the Tower of London:† However none of this coinage, or indeed

* The four marks paid to the warden of the Tower was probably a duty for the ;amps, which all the charter mints were obliged to pay.—See Pegge's 'Essay on the)rigin of the Metropolitical and other subordinate Mints. p. 89 90, 91.

† From the close rolls in the chancery at Durham, 5 Hen. VII. A. D. 1490. Rot. A. N° 57.

This ind. made at Duresme the xxth daye of September, the yere of the reigne of yng Henry the vijth, the vth, betwix the ryght rev'end Fathere in God John bussopp of Duresme of the one partye and Georg Strayll of Duresme golesmyth on the other partye berith witnesse that the foresaid rev'end fathere hath ordeynd and deputed the said George to occupye his mynte of Duresme with the coyne of penys onely from the feste of Seynte Michell the archangell next comyng to the end and terme of ij yeres then next followyng and fully complete, the said George dischargyng the said rev'end fathere of iiij marcs yerley to be payd at Ester and Michelmasse to the warden of the Towre of London for the tyme beying be even porcyons, if the said cunage so long contenewe, In the whilk mynte the said Grorge shall wirk gode and lawfull silver of the same alaye assaye and weght after the maner and custome of the mynte in the Towre at London, and also the said George shall save the foresaid rev'end fathere harmlesse agayns the kyng and all othre, as well for the silvere wrought in the same mynte, as for silver lefte theyre to be coigned, and to all these cov'netys abovesaid to be well and trewly p'formed and keped on the partye of the forsaid George, the same George and Richerd Fetherstanehalgh of Burnhall, Thom's Lincolne of Derlyngton, X'pofer Warrener of Durh'm, and Willyam Randson of Durh'm byndes them and ev'ry of them be hymself in the hole in cccl. of lawful Inglysch money to be payde to the said rev'end fath'e or to his assignes at the feste of Seynt Martyn in winter next comyng be theis p'sentys. In wi'nesse hereof to the one partye of theis indenturez remanyng with the forsaid rev'end fathere the said George, Richerd, Thomas, X'pofer, and Willyam, haf put to their sealys; and to the othre partye of the same remayning with the forsaid George the said reverende fathre hath put to his seall the day yeare and place abovesaid.

There is a bond for performance of this lease on the rolls, N° 58.

" any of his money struck in this reign, have reached our ti
" Mr Snelling says, that he never saw a penny of Hen. VII.
" fore his 18th year, which was several years after the death
" this bishop."

The See of Durham continued vacant until the month of
cemb. A. D. 1494, during which period the king filled up all
great offices *pro tempore*. On the 14th of April, 1493, he
pointed guardians of the temporalities;* on the 5th of Ma
chancellor and keeper of the great seal; a high-sheriff and es
ator on the 6th of May; and the same day he nominated R
Chamber, clerk, surveyor-general, and Richard Cholmeley,
receiver-general. On the 7th day of December, 1494,

RICHARD FOX

was translated by the king from the See of Bath and Wells
the bishopric of Durham; and had the temporalities restored
next day. He was the son of Thomas Fox, a person of infe

The See vacant.

Temporal Chancellor,—John Kelyng, cl. oc. 15th Dec. 1483; again 14th
1485.

Senescal,—Tho. Middylton, oc. 9th Feb. 1483; (Copyh. B. marked G. p.
last time 20th Feb. 1483.—The Copyh. B. marked G, begins with
vacancy of the See, p. m'tem Dudley, and contains 179 pages.

John Shirwode, S. T. P. elected Jan. 1484; temporalities restored 6th A
1485; ob. 12th Jan. 1493.

Officers of the See in the time of Bishop Sherwood.

High Sheriff,—Ra. Bowes, knt.——Radulph. Bowes mil. habuit literas p
naco'is p. escape, &c. p. sep'ales patentes.———Grey's Notes.

Escheators,—Tho. Fenton.
Rog. Lumley, esq; serviens n'r. ap. 7th June 1490, or 91.—Rot
Sherw. N° 4.

Temporal chancellors,—Joh. Kelyng, cl. oc. 12th Jan. 1490, the last tim
Rot. A. Sherw. N° 60.
Mr Alex. Lye, or Lyghe, cl. oc. canc. 12th Jan. 1490. Ibid. N°
—18th Sept. 1490. Ibid. N° 65.—Preb. of Grindale, in York chu
14th Sept. 1471; and also preb. of Hoveden, by ref. of Joh. Mars
—Rector of St Bride's, in London, pres. 26th Sept 1471; he res. 1
Mag. Ra. Bothe, cl. archid. Ebor. ac mag. hospitalis de kepyer
Appointed chancellor and keeper of the great seal qua'diu nob. pl
erit. Dat. p. manus p'prias epi. 30th Sept. 1491. Rot. B. N
—Ra Bothe, LL. D. archd. of York, admitted 4th Feb. 1477.

Constables of the castle,—Hen. Radcliffe, esq; and Rich. Hanserd, esq; (
sanguineus et serviens e'pi) ap. jointly for their lives, 10th Mar. 14
Rot. B. 1489.

Senescals,—Ric. Danby, legisp'itus, ap. for life; oc. 5th July 1484. Copyh.
G, p. 5.——Sursum. reddidit. l'ras patentes.
Ric. Danby and Percival Lambton, serviens e'pi, ap. jointly for life
Dec. 1490. Rot. B. N° 10.

Attorney-general,—Percival Lambton, Legisp'itus, ap. during pleasure,
Apr. 1491.———Randal's MSS.

* Teste rege apud Cantaur. Rot. Fox, N° 9.

cumstances, and was born at Ropesly, near Grantham, in Lin-
nshire, about the latter end of the reign of Hen. VI. Was edu-
ed at Magdalen college, in Oxford, where he distinguished
nself for his genius and close application; but the plague obliging
n to retire from thence, he removed to Pembroke-hall, in Cam-
idge: Wren, bishop of Ely, in his account of the masters of
it college, expresses a doubt, whether he was ever a fellow
ere.* When he had staid a competent time in Cambridge, he
nt for improvement to Paris, where he studied divinity and the
non law; and whilst there, had the degree of doctor of laws
nferred on him. In France he became acquainted with Mor-
n, bishop of Ely, who fled thither during the usurpation of
chard III. by whom, most probably, he was introduced to
enry earl of Richmond, who was then meditating a descent
on England, in order to dethrone the usurper; and, with the
st of the English who were at Paris, he bound himself by oath
take part with the earl. Richmond accordingly received Dr
ox into secret familiarity; and having applied to Charles VIII.
ng of France, for assistance in his enterprize; and being called
way, before he could complete his negociation, he left the pro-
cution of this important matter to the doctor, whom he thought
e fittest man to manage an affair of such consequence: Nor
as he deceived in him; for he conducted himself with such as-
duity, attention, and prudence, that he soon obtained men and
oney from the court of France, and was otherwise greatly in-
umental in Henry's acquisition of the throne of England.† Af-
ter the earl had gained the battle of Bosworth, and in conse-
ence seized the crown, he appointed Dr Fox one of his privy
unsellors; about the same time collated him to be prebend of
ishopton, in the church of Sarum; and in the year 1486, to
at of South Grantham, in the same church: In the same year,
beginning of 1487, he was promoted to the bishopric of Exe-
r, and appointed keeper of the privy seal; which dignities he
eld at the time he was the king's commissioner in Scotland be-
re-mentioned. He was also made principal secretary of state,

* It is a question whether he was ever fellow of the college; for in the letter which
e fellows sent to Labourne upon his election, they tell him, there was not a man in
ngland, bred in the college, besides himself, that was worthy of that place. —— —
ren's Masters of Pembroke Hall.—Lel. Col. vol. v. p. 389.

† Richardus Fox socius, legum Dr Paristis, dum res regis Henrici septimi in Gal-
s ageret, quem rex summo favore complexus est, quia illius solummodo gratia Ca-
lus octavus, Gallorum rex, illum ad huc comitem Richmondiæ idque exulantem ad
gnum contra Richardum tyrannum repetendum auxiliaribus copijs relevabat.
inc sub eodem rege fuit custos privati sigilli, secretarius, et a sanctioribus conciliis
gatus in Scotiam.——ΣΚΕΛΕΤΟΣ Cantabrigensis.—Lel. Col. vol. v. p. 204.—
. d. Chamb.—Ang. Sac. p. 779.

and master of St Cross hospital, near Winchester; and w
translated to the See of Bath and Wells in the year 1491, a
from thence to Durham in 1494. Was appointed by the S
of Rome legate in Scotland. He stood sponsor for Henry VI
and was at that time master of Pembroke-hall.

The state of Scotland had undergone a new revolution by t
murder of James III. on whose death his son was proclaimed
successor, and crowned by the title of James the Fourth; wi
whom several negociations were carried on for repeated truc
which kept the borders free from open invasion; though fr
the intestine troubles of Scotland, frequent skirmishes, with va
ous success, happened on the marches.

In the year 1494, bishop Fox, with four others, were comm
sioned* to meet the delegates of the Scottish king at Coldstre
or some other convenient place, to conclude a lasting peace,
obtain a continuance of the truce, and to settle the mutual dam
ges occasioned by violations of the former articles. It does
appear that this negociation was effectual; for in the opening
the year 1495, the king, apprehensive of an invasion in support
the pretensions of the impostor Warbeck, gave commission
Thomas earl of Surry,† vice-warden of the West and middle m
ches under Henry duke of York, the king's infant son, to ar
and lead forth all the fighting men between Tweed and Tre
The like commission was granted to bishop Fox, then lord pr
seal, for Northumberland, Durham, Tyndale, and Redesdale, w
the districts adjacent.‡ Some short time afterwards, the duke
York was constituted warden-general of all the marches, and
account of his youth had assigned under him vice-wardens, of wh
the bishop of Durham was one. The king of England, in order
secure as much as possible the affections and interests of
Scottish court, in this year commissioned the bishop of Durha
William earl of Carlisle, Thomas earl of Surry, Ralph Nevi
lord Neville, Sir Thomas Dacre of Dacre, and Sir Willi
Tyler; and the commission was renewed to the same persons
the 2d of September in the following year, to negociate a m
riage between Margaret his daughter and the king of Scotlan
But the influence of foreign courts prevailed, and the adventu
was graciously received in Scotland; a numerous army was rais
which the king commanded in person; and with a few fore
troops, that Warbeck brought with him, they entered North

* Rymer, vol. xii. p. 554, 555. † Ibid. p. 568. ‡ Ibid. p. 569.
‖ In each of those commissions, any two had a power to act, whereof the bi
of Durham was to be one; and a secret commission was also given to the bis
singly, of the same date with the latter. But they all proved abortive.

berland. The king of Scotland soon discovered that the attempt would prove fruitless, as not one Englishman of consequence joined the army, and they did not receive the least hopes of support from any quarter. This induced the Scots to quit the thoughts of advancing into the country; the army was thrown into divisions for the sake of pillaging; and after collecting a vast booty, they retired, on receiving intelligence that the English army was approaching.

Parliament, in the following year, granted the king a supply of 120,000£. to support the Scottish war; a much larger sum than had ever been granted on a like occasion. A tax so grievous caused much murmuring, and in Cornwall an insurrection was the consequence. The king of Scotland took advantage of those troubles to enter the borders; with one division of his army he laid siege to Norham, whilst the other laid waste and ravaged the country. The king in person conducted the siege, but found a resistance he did not expect; for the bishop of Durham had not only garrisoned the fortress with chosen troops, under experienced leaders, but also had thrown into it great store of provision and supplies, and put all the works into complete repair. On hearing that this castle was closely besieged, and the attacks carried on with great vigour, the bishop resorted thither with a reinforcement for the garrison; and having gained entrance for himself and party, he conducted the defence in so judicious a manner, that each assault was resisted, and the Scottish army foiled in every attack; but the outworks of the castle suffered much damage.* The bishop had also put into a posture of defence every other strong-hold in the country, where he secured the cattle and valuable effects of the inhabitants, so as to disappoint the marauding parties of their expected booty. These matters, together with the news of the king of England's success against the Welsh insurgents, and the earl of Surry's approach with the northern troops, induced the king of Scotland to raise the siege, and draw off his forces. The earl of Surry soon afterwards entered Scotland, but immediately a negociation for peace took place, and no blow of consequence was struck by the English; for Henry was so intent on his project of a peace and alliance with Scotland, that, at the very instant his forces were entering Scotland, he gave a commission to the bishop of Durham and others, to treat with the ministers of that state. Peter d'Ayala, a clergyman, envoy from the court of Spain, then in England, was employed by the king as a mediator. He was a person of

* Buchannan.—Hollingsh. p. 289.

acute penetration and excellent parts, had much skill in negociations of this nature, and was of great service therein; for by his conduct and address, a truce was obtained for seven years, and the bishop of Durham was nominated one of the conservators. In 1499 some amendments were made in the articles of truce, and the bishop of Durham was also a conservator, then named. This treaty was drawn up and signed by the plenipotentiaries of the two states, in Stirling castle; and eight days after, on the 20th of July, at the same place, it was ratified by the king of Scotland. An accident which happened about this time was near destroying what had been effected with so much attention: In the intercourse which immediately took place between the people of both nations, on the borders, some Scottish youths came upon a party of pleasure to Norham; the garrison thought they were too speculative, and paid too near attention to the works of the castle, considering the recent hostilities between the states: The centinels, in a manner offensive to the Scots, prevented their curiosity, and a fray began, in which some were slain. Complaint was immediately made to the English wardens, who not granting a satisfactory redress without delay, the king of Scotland sent his herald to demand the same of the king, and, on refusal, to denounce war. King Henry returned a gentle answer, expressive of his willingness to grant the redress required, but at the same instant declaring his ignorance of the matter. The bishop of Durham wanted not genius to carry his master's placid purposes to effect; and taking on himself the burthen of making the required satisfaction, as the fortress was his where the offence was given he exerted himself to put a stop to the mischievous consequences: He wrote letters to the king of Scotland in so persuasive and conciliating a stile, that his mind was immediately moved in his favour, and he wished to have an interview with one who had such power to charm his passions, and silence his wrath: In this the king had a more extensive view; for by such an interview, he hoped a plan might be promoted for the mutual benefit of both kingdoms. Wharton's expressions on this occasion are remarkably strong: "Then king James revealed the secret of his bosom, his ardent wish that the princess Margaret might become his queen." And, speaking of the bishop's negociation on this important occasion, he says, "*Æternæ felicitatis fundamenta genti nostræ posuit.*" As soon as the king of Scotland's desire was made known to the bishop, he obtained his sovereign's permission to visit Scotland, and met K. James at Melros-abbey, when a negociation for an alliance was entered into; but a dispensation from the pope being necessary, on account of the princess's age and consanguinity of

the parties, it was near two years before the treaty was concluded, the bishop being previously translated to Winchester.

William de Chambrè tells us, this translation was occasioned by a controversy which arose between the bishop and the earl of Cumberland, touching their right to the town of Hartlepool; but he is in an error as to the name of the earl, the dispute being with the earl of Northumberland. The ferocious manners of the borderers were not yet corrected; from a habit of warfare they retained the savage disposition which accustomed rapine and bloodshed confirmed into a brutal state of mind, a fierce and impetuous temper, which submitted not to controul, and knew no other rule than arbitrary will. The influence of the church began to decline, the fetters of superstition were loosened, and the terrors of religious judgment relaxed, so that the minds of men were hastily returning back to the original ferocity, which was left to succeeding ages to expel, by learning and an intimate acquaintance with arts and sciences, that have civilized what religion left unsubdued.

As to the bishop's public works in this See, other than as before noted, they were few. He made some alterations in the great hall of the castle: It is described as having two princely seats, one at each end; the lower seat he removed, and converted that space into offices, making a gallery for musicians above, where they should perform during the time of serving up the courses:* He added a spacious kitchen, with apartments for a steward, and all offices thereto appertaining, to the west of the hall, at a considerable expence. In this hall he entertained the princess Margaret and her retinue, as she advanced into Scotland, on her espousal with James IV, on the 23d of July, being the anniversary of his installation, when he caused to be served up a high feast, called, by old writers, *a double-dinner* and *a double-supper*: Perhaps two courses are what is meant by the expression. There were present all the nobility and people of distinction of the northern parts, as well spiritual as temporal. On this occasion there were, in the train of officers belonging to the bishop, some never before remarked in any record, viz. "Officers of armes and serjeants of armes.†"

* Out of a great vast hall in the castle there, he took as much away as made a fair buttery and a pantry, even to the pulpits or galleries on each side of the hall, wherein the trumpeters or wind-music used to stand to play while the meat was ushered in: And on the wall which parted the said buttery from the hall, was a great pelican set up, to shew that it was done by him, because he gave the pelican to his arms. Bishop Neile afterwards took away part of the said hall at the other end.——Wood's Athenæ Oxon. vol. i. p. 665.

† The Fiancells of the Princess Marg. written by John Young, Somerset, herald.

The bishop had entered upon a noble design, to repair the great tower of the castle of Durham, which is capable of being made one of the most magnificent erections in the north of England: He began to construct a hall therein, with a kitchen and other apartments; but before he advanced far in the plan, he was translated from the See. By the excellent taste this prelate shewed in the few sumptuous buildings he made, it is greatly to be lamented he did not carry his intention, respecting the above alterations, into full execution. The tower in its present state is a most noble monument of antiquity, but under bishop Fox's design would have become an excellent ornament of this ancient city. Godwin says, he walled in a large park for deer near Durham, but doth not give it a name.* In the years 1501 and 1502 he was chancellor of the university of Cambridge.

Bishop Fox continued to have great weight and influence in all public affairs during the whole reign of Henry VII. who appointed him one of his executors, and particularly recommended him to his son and successor Henry VIII. Lord Bacon observes, that bishop Fox was "a wise man, and one that could see through "the present to the future:" And he also says, "that cardinal "Morton and bishop Fox were vigilant men and secret, and "such as kept watch with the king† almost upon all men else: "They had both been versed in his affairs before he came to the "crown, and were partakers of his adverse fortune." But upon the accession of Henry VIII. Fox's influence greatly declined at court, though he was instrumental in promoting the rise of Wolsey, in opposition to the earl of Surry. In 1510, notwithstanding his decline of power, he was sent ambassador to France, in conjunction with the earl of Surry, and Ruthal then bishop of Durham, when a treaty of alliance was concluded with Lewis XII. About that time, a sharp dispute arose between him and archbishop Warham, concerning the extent of the jurisdiction of the prerogative court: The argument at length became so violent, that an appeal was made to the pope; but it being referred back to the king, in 1513 he determined it amicably. In the summer of that year, he attended the king, in his expedition into France, with a large retinue, and was at the taking of Terouenne: In a short time afterwards, in conjunction with Thomas Gray, marquis of Dorset, he concluded a new treaty with the emperor Maximilian against France. In 1515, being no longer able to bear the repeated mortifications he received from cardinal Wolsey, to whose rise he had greatly contributed, he withdrew, in deep chagrin, to his own diocese.

* Browne Willis says it was Auckland Park.

† Henry VII.

Being highly displeased with the fellows of his own college of Pembroke-hall, particularly one Hudson, and desirous of effecting some great work to the advancement of literature and the benefit of posterity, (great veneration in that age being paid by ecclesiastics to the name and body of Christ) he was induced, by his intimate friend Oldham, bishop of Exeter, in the year 1516, to found Corpus Christi college in Oxford: Oldham was very rich, and, joining him in the project, greatly contributed to this foundation. Wren says, by Oldham's means "he effected his purpose, and saved much money."* This seems rather invidious, and inspires an unfavourable idea of our prelate's character. He had the misfortune to lose his sight about ten years before his decease, when he began to conceive an idea of erecting some religious and public work; and intimated to his friend the bishop of Exeter his intention of founding a monastery. It is said, Oldham, who had much foresight and sagacity in such matters, persuaded him to found the college before-mentioned; telling him with a true prophetic spirit, "that the monks already possessed so much, it was not possible they could hold it long." This shews, that their enormities were then become flagrant, and their extensive properties a political grievance, which brought on their dissolution in the succeeding reigns.

In 1522, the bishop founded a free-school at Taunton, in Somersetshire, where he had a fine manor as bishop of Winchester; and there built a convenient house for the master. He did the same at Grantham, near the place of his nativity. He attended parliament in 1523, though he had lost his sight some years before. Cardinal Wolsey would have taken advantage of his infirmities, and persuaded him to resign his bishopric to him for a pension; but the bishop resisted all his insinuations and wiles; and by the messenger who was entrusted to conduct his insidious projects, he returned the cardinal a message to this purpose, "That though by reason of his blindness he was not able to distinguish black from white, yet he could discern between true and false, right and wrong, and plainly discovered, without eyes, the malice of an ungrateful man: That it behoved the cardinal to take care, not to be so blinded with ambition, as not to foresee his own end: He need not trouble himself with the bishopric of Winchester, but rather should mind the king's affairs."

In the year 1518, the bishop resigned the mastership of Pembroke-hall. He built an elegant chapel at Winchester; at which place he died, in the year 1528; and was interred in his own

* Lel Col. vol. v. p. 204. 390.

chapel, his effigies in marble being placed upon his tomb.*

There are no records of note in this province during bishop Fox's time, but some commissions of array, patents of officers, and a pardon for an alienation without licence by Chr. Coniers, of the manor of Sockburn, on a fine of 20£.†

As to this bishop's mintage, Mr Noble's account is, that "bishop Fox, by his indenture dated 20th Jan. 1495, appointed, "during pleasure, Wm Richerdson, of Durham, yeoman, chief "master of the mint: The money coined by him was to be of "the same weight and fineness as the regal money, and the bishop "covenanted to give him for his services the same emoluments as "the masters and workers in the regal mint received; and also, that "the chancellor of the bishopric, who was also comptroller of "the mint, should take a penny in every pound weight of silver, "which was to be put in a bag by the mint-master, and by him "deposited in a coffer, which was to have two locks, the one key "kept by him, and the other by the comptroller; and Richerdson "covenanted, that he would make the money in an elegant man-"ner, and distinguish it by such privy mark as the bishop should "order, that it might be known from counterfeits. He also co-"venanted to indemnify the bishop against the merchants for the "money that should be brought to the mint to be coined; and, "as a security for the performance of such covenant, he with "several others, were bound in the sum of 200£.‡ What the "the peculiar distinctions were, is uncertain, as we have none "until the 18th year of this reign; but after that time, both the "regal and prelatical money is numerous."

* This monument is a most finished specimen of the improved Gothic; there is no inscription to his memory, but he is represented by the effigies of a skeleton. Within the chapel, there is a small oratory, called Fox's Study, which he usually frequented for his devotion.

† Rot. Fox, A. N° 12, & M. N° 2, 3, 4, 5, 6. A. C. N° 8.—Rot. B. B. N° 16. Ibid. N° 41. 114.

Syllabus, &c. Rymer.—Capitula auctorum, dat. regnante Henrico 7° vol. ii. A. D. 1500, 15 K. Hen. VII. Syll. 112. N° 24. Pro episcopo Dunolm. de custodia messuagiorium, &c. Henrici Retford militis.

——1501, 16 K. Hen. VII. 113. 29. De custodia & maritagio hæredis Christopher. & Willielmi Conyers, episcopo Dunelm. commissar.

Rymer's Fœdera, vol. xii. 1499. 14 K. Hen. VII. Tho. Lumley appeared in Parliament for the county of Durham 27th Oct. p. 711.

Commissio pacis. Justices, George lord Lumley, Roger Leyburne clerk chancellor, Sir James Hobard, Sir Robert Constable, Sir Humph. Sigiswick, Sir Wm Hilton, Sir Wm Bulmer, Tho. Metcalf, Rich. Danby, Percival Lambton, Nic. Morton, and John Raket, a'o 7°——Rudd's MSS.

‡ This indenture maide betwix the rev'rende fadre in God Rychard by the g'ce of God bishop of Duresme on the one partye and Willyam Richerdson of the said Duresme yeoman on that other partye witnesseth that the said rev'rend fadir g'unteth and by this indenture hath maide ordeigned and established the forseid Willyam

He gives three specimens† of this prelate's money: "N° 1. "has this epigraphe upon the obverse, HENRIC DI G AN- "GLIE Z FR. the reverse reads CIVITAS DVRHAM. "This is the first time we have the name of the city so spelt, and "the general way we find it upon the money of the succeeding "bishops. Upon the arms of the chair on the obverse, and the "extremity of the upright of the cross, are mitres, though imper- "fectly represented; on the sides of the shield, near the bottom, "are the letters R. D. for *Ricardus Dunelmensis*.—N° 2. is the "reverse of a penny of this bishop; it reads CIVITAS DIR- "HAM, with a rose after the first word, and a mitre upon the "top of the upright of the cross, as the last, but this more distinct; "and the same letters R. D. as on the preceding coin.—N° 3. "is also the reverse of another penny of his; the legend is CI- "VITAS D.RHAM: This coin is peculiar in having the mitre

maist' and workman of his mony of silver in his palice of Duresme aforesaid to have hold and occupye by him or his sufficynte deputye as long as it shall pleas the said rev'rend fadre and the said Willyam hath undertaken afor the seid rev'rend fadre to make the same mony undir the p'ill and fourme followyng that is to say to make the peny called the st'leng in the nombre of pounde Troye *cccciiij* xx peo'es in the pounde weight and the moneye shall be in fyness accordyng to the sylver money of our sove- raigne lord the kyng maid in his mynte withyn his toure of London that is to say the pounde weight of the seid monye shall hold and be *xj* unces and two peny weigh of fyne silver and *xvij*d weight of alaie w'ich is the right standerd of the money of England. And the said rev'rend fadre g'unteth to the said Willyam lyke remedyes in every pounde weight in weight and in alaie as the kyng g'unteth unto the maistres and workers of his mony within the towre aforeseid that is to say two peny weight in the weight of ev'ry pounde and *ij*d. weight in the allaie above the standard or undre or *ij*d. weight in bothe and that of all such moneys that the said Willyam shall make within the mynte aforeseid it shall be lawful for the chanceller of the bysshoprick of the said bishop for the tyme beyng comptrouller of the same mynte to take upp of ev'ry pounde weight of silver a peny which money so taken shall be put in a bagge bye the seid Willyam and the same bagge put in a coffer with two lokkys of the which one key shall remayne with the seid comptrouller and the other with the forseid Willyam And forthermore the same Willyam Richerdson graunteth and covenneth that the forseid mony by him made shal be well and p'fitly prented coined and fine fashioned with a prevy marke in the prente such as the seid busshop shall appoynte so that it may be evydently knowen from odre mony conterfeted Also the same Willyam g'unteth by theis pr'sentez to save defend and save harmless the forseid rev'rend fadre a gaynste the m'rchaunte or m'erchauntez for all mony that is brought to the seid mynte to bé coinned for the which and all othre theis pr'missez aforsaid duly and effec- tually to be kepte and p'formed in ev'ry p'rte by the said Willyam the same Willyam Rycherdson with Robt Blounte of Duresme, Willyam Tychburn of the same William P'ley of the same and Cuthberte Thompson of the same bindeth themselff by an ob- ligacyon beryng date *xxiiij* day of January the yere of the reigne of our sov'raigne lord the kyng Henry *vij*th the *x*th in *cc* lb to be payd to the forseid rev'rend fadre or his assignez as in the seid obligacyon more plainly doth appere if ev'ry p'te or p'cell of the forseid coven'ntys be by the seid Willyam be broken or not obs'ved as is before speci- fyed In witness whereof the seide p'tyes enterchaungeably have put to their sealys yeven the *xx*th day of January the yere of the reigne of our sov'raigne lord the kyng Henre *vij*th the *x*th.

† See plate of coins, letter K. K. N° 1, 2, 3.

"much larger than the others, upon the reverse: and instead of "being placed upon the upright of the cross, it is set upon the shield "and the upper part of the upright is wanting. None of the above "have any mint-mark.—It may be thought not a little extraordi- "nary, that we should have several specimens of this bishop's money "coined in the year 1502 (which was that of the re-coinage) and "none before, either of his or of his predecessor's in this reign. "However, the above pennies were certainly struck in this year, "in which this prelate was also translated to Winchester, and "the type of them will not let us suppose they were coined before: "This may be accounted for, from the great quantity of money "that must have been coined at this time, both in the royal and "charter mints, to supply the place of that sent in to be re-coined; "and as the penny was the most current sort then used (and "consequently would be the most worn and defaced) it may be "the reason why the pennies struck in this reign, before the 18th "year, have entirely disappeared."

This short character is given of our bishop: that he was a man of considerable political abilities, and appears to have been more of the artful statesman, than of the Christian prelate.*

* The See vacant———Reginald Bray, knt. Tho. Metkalf, Rich. Hanserd, Will. Claxton, and Rich. Cholmley, ap. Guardians 14th Apr. 1493. Teste rege ap. Cantaur.—Rot. N° 9.

Ra. Bowes, knt. ap. high sheriff 6th May 1493.

Rog. Lumley, esq; ap. escheator 6th May 1493.

Ra. Bothe, cler. archid. Ebor. constitutus canc. ac custus magni sig. 5th May 1493.

Hen. Radclyff, esq; and Rich. Hanserd, esq; constables of the castle.—Hanserd ob. 20th June 1497.

Rich. Danby, legisp'itus et Percival Lambton, senescals; oc. 11th Mar. 1493, and 30th Oct. 1494, the last time.—Copyh. Books, H. p. 1, 87. 8th Copyh. Book, marked on the back H, ab. a° 1492, usq. an. 1501, 391 pages. Sede vac. p't mortem Joh'is e'pi. contains 391 p.

Richard Fox, LL. D. bishop of Wells.
Translated to Durham 7th Dec. 1494.
Temporalities restored 8th Dec. 1494. Rot. M. N° 1.
Installed 23d July 1495.
Translated to Wynchester on the feast of St Faith, 6th Oct. 1501.
Obiit 1528.

Officers of the See during the time of Bishop Fox.

High sheriff,—Ra. Bowes, knt. ap. 17th Dec. 1494.

Escheator,—Rich. Hanserd, esq; ap. 17th Dec. 1494; ob. 20th Jun. 1497.
Joh. Perkynson, ap. 12th Nov. 1497.

Temporal chancellor, keeper of the great seal, and receiver-general,—Ra. Both, cl. mag.
H. de Kepyere, constitut. 8th Dec. 1494, n're transl. pri'o oc. 22d Nov. 1497, the last time.

Keeper of the great seal,—Ric. Nykk, cl. official. curiæ consistorial. Dun. ap. custos magni sigilli during pleasure. T. meip'o ap. castru de Norham 25th Mar. 1497.—Rot. A. Fox, N° 8, oc. 12th Nov. 1497, the last time. Rot. A. Fox. int. N° 38, 39.

Prior Robert Ebchester departed this life in the year 1484, and John Auckland succeeded him; he held the office ten years, and dying in 1494, was succeeded by Thomas Castel.

The See continued vacant almost twelve months, during which time the king filled all the great offices of the palatinate: He appointed William Sever (by some authors called Sevier, Seveyer, Sinows, and Sinews) then bishop of Carlisle, guardian of the temporalities; Ralph Bowes, knight, high-sheriff; Michael Wharton esq; escheator; Robert Chambre, clerk, rector of Haughton, chancellor and receiver-general; and Richard Danby, senescal.* By virtue of the pope's bull,

WILLIAM SEVER

was translated to Durham some time in the month of October, 1502; and on the 15th day of that month had the temporalities restored. In Willis's Mitred Abbies,† it is said he was born at Shincliff, a small village about a mile distant from the city of Durham; and several authors have asserted that he was descended of mean parents, and his father was a sieve-maker, from whence his name was derived; but there seems no foundation for the

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Nich. Morton, thesaurarius hospicii, oc. keeper of the great seal 18th Dec. 1498.—Rot. BB. Fox, N° 16. Oc. 14th May 1499. Rot. C. Fox, N° 40.

Temp. Chancellor,—Mr Rog. Laburn, cl. ap. chancellor June 1499. Rot. C. N° 41. Oc. again 20th Aug. 1501, being the last act both of chancellor and bishop. Ib. N° 114, 130.—He was preb. of Grindale in Y. ch. by theres. of Alex. Legh 6th May 1501.

Constables of the castle,—Hen. Radclyff, esq; and Rich Hanserd, esq.

Nich. Mortun, gen. fidelis serviens et thesaurar. hospicii (e'pi) ap. during pleasure. T. meipso apud Brauncepath, 2d Feb. 1498.—He was appointed on the same day, during pleasure, surveyor of all the demesne lands, castles, manors, parks, chaces, forests, lands, tenements, mines, fisheries, waters, mills, ponds, woods and herbage, belonging to the bishop, as well in the co. of Durham as in Northamshire, Elandshire, Holy Island, Bedlyngtonshire, Allerton, Creke, Hovedenshire, and in London, &c.

Senescals,—Rich. Danby, legisp'itus et Percival Lambton, oc. 9th Feb. 1494, the first time. Cop. B. p. 89, marked H. Oc. again 14th Oct. 1501, the last time.—Ibid p. 289.

Registraries,— Robert Dykar, cl'icus sive custos registri D'n'i Ric'i e'pi. oc. 20th Jul. 1499. 500l. per ann. sal.

Attorney-general,—Percival Lambton, during pleasure, 14th Feb. 1494.——Randal's MSS.

Wood's Antiq. of Oxford, l. ii. p. 227, & Ash, vol. i.—Fuller's Ch. Hist Cent. 16, l. v. p. 166.—Collyer's Ch. Hist. & Supplement to his Dict.—Wharton, 779.—Ayliff's Ancient and Present State of Oxford, vol. i.—Dudg. Hist. Ch. of Durham, p. 80.——Grey's MS. Notes, &c.

* Rot. A. Sinews, N° 2, guardian; ap. 6th Jan. 1501, sheriff; 8th Mar. 1501, ap. escheator; Rot. A. Sinews, N° 2, chancellor; Copyh. Book I. p. 1, senescal.

† Vol. i. p. 216.

conjecture. He had his education at Oxford, as the authors of the History of Westmorland and Cumberland say,* "probably at either Gloucester or Durham college, nurseries for the Benedictines, of which order he was."† He was first warden of Merton college, and afterwards provost of Eaton, and some time chancellor of Oxford; was made abbot of St Mary's in York in the year 1485, and bishop of Carlisle in 1496, on which occasion he had the royal licence to hold his abbacy in commendam.‡ He possessed the See of Durham for a very short period of time, dying in his third year, A. D. 1505; and was buried in the abbey of St Mary's.§

In 1496, he was in a commission with his predecessor bishop Fox, to treat about the marriage of the princess Margaret with the king of Scotland. In 1497, he was joined with others, plenipotentiaries in a general treaty with the king of Scotland. And in 1499, he was one of the conservators of the truce then settled between the two states.‖

In so short a period as this bishop held the See, while peace was maintained between England and Scotland, it is not very remarkable that there are no records of any note, or any singular events under this prelate's name.¶

* Vol. ii. p. 276. † Ath. Oxon. vol. i. p. 648. ‡ Ibid.

§ Gul. Senows electus A. D. 1502. Obiit 1505. Sepultus est Ebor. in monasterio S. Mariæ, ubi antea monachus fuerat.——Ex libelle chartaceo rerum gest. Dunelm. eccl. Lel. Col. vol. i. p. 335.

Syllabus Rymer. A. D. 1503, 18 K. Hen. VII. Syll. 113. Pro episcopo Dunolm. de acquietando pro proficuis episcopatus durante vacatione. Vol. ii. p. 41.

A. D. 1502, 18 K. Hen. VII. De restitutionibus temporalium Dunolm. Will. Severs b'p—Rymer's Fœd. vol. xiii. p. 28.

Ath. Oxon. vol. i. p. 608. Fuller's Worthies, p. 297. English Worthies, p 133. ——Grey's Notes.

‖ Rymer, vol. xii, p. 635, 638, 721, 726.

¶ Patens Xofri Pavell de officio com'issar. gen'al. in co. Northumber. Rot. A. N° 28.

Patens Thome Todd de offic. com'issar. gen'al. in com. Dun. Rot. A. N° 24.

The See vacant.—Wm Sever, guardian, &c. 1st Jan. 1501.—Ra. Bowes, knt. Sheriff,—Mich. Wharton, esq; escheator.—Robt Chambre, cl. chancellor and receiver-general.—Chr. Rich, keeper of the great seal,—Rich Danby, senescal.

Wil. Sever, bishop of Carlisle, translated to Durham 1502. Rot. A. N° 1.

Temporalities restored 15th Oct. 1502. Rot. A. N° 20.

Obiit. 1505.

Officers of the See during the time of Bishop Sever.

Sheriffs,—Ra. Bowes, knt. ap. 18th Oct. 1502; ob. 22d Apr. 1512.

Will. Bulmer, knt. ap. 16th Jan. 1502.

Escheaters,—Mich. Wharton, esq; ap. 20th Nov. 1502.

Tho. Reydmayn, esq; (the bishop's servant) ap 26th Apr. 1505.

Chancellor and keeper of the great seal,—Robt Chambre, cl. ap. 1st Nov. 1502. Rot. A. N° 24.

Constables of the castle,—Ric. Yon, p'carus amicus et frater et præ aliis p'dilectus, e'pi, ap. for life 15th May, 1504.

Mr Noble gives three *specimens of this prelate's mintage. "N° 1. is the reverse of a penny; the legend reads, CIVITAS "DIR - - - -; the upright of the cross, that runs through and "divides the shield, ends in an ornamented crosier; and below "the bars of the cross, on each side of the shield, is I. S. N° 2. "has a sceptre in the right-hand, and a crosier in the left, with "this epigraphe, HENRIC DI GRA. REX. A; the reverse "CIVITAS DIRHAM, with D. S. for *Dunelmensis* Sever.— "N° 3. is thought to be a coin of this prelate; the epigraphe upon "the obverse is the same as that of N° 2; it has the crosier on "the left behind the chair, but wants it and the initials upon the "reverse, which has this legend, CIVITAS DIRHAM. As "the crosier is upon both N° 1. and 2. which undoubtedly are "of this bishop's coining, the third is engraved, on the similiarity "appearing."

After bishop Sever's death, the See continued vacant for two years: Nothing appears to have occasioned this neglect of the palatinate, except that the king was given up to avarice, and indulged his desire of riches at the expence of his dignity and justice, and heaped up wealth, by authorising every rapacious act the tools of his power could carry into execution; and it is more than probable the revenues of the bishopric were the temptations to this delay. During the vacancy, the crown supplied all the great offices of the palatinate: Thomas Castell, prior of Durham, with William Bulmer, esq; were appointed guardians of the temporalities, the 21st day of May 1505. Bulmer, who was high sheriff in bishop Sever's time, was re-appointed on the 14th day of June, and Thomas Reydmayn was also re-appointed on the 3d day of July, to the escheatorship; Robert Chambrè, who held the chancellorship and great seal, was re-appointed on the 13th day of June 1505.† Richard Yon and William Lee were

Rich. Yon and Will. Lee (serviens e'pi) ap. jointly for their lives 19th Dec. 1504.

Senescal,—Rich. Danby legis peritus, oc. 28th Nov. 1502. Copyh. B. I. p. 17. And 25th Apr. 1505, the last time. Ibid. p. 151. (Contains 265 pages)

Registraries,—John Dice, not. pub. oc. 28th Nov. 1502. Rot. A. N° 26.

Attorney-general,—Rich. Eryngton, during pleasure, 13th Oct. 1503.——Randal's MSS.

Commissio Pacis. Justices,—Rich. lord Latymer; Geo. lord Lumley; Tho. Prior, of Durham, Robt Chambre, clerk; Humph. Conningsby, serjeant at law; Sir Ja. Hubbard; Sir Wm Eure; Sir Ja. Strangeways; Sir Rich. Cholmley; Tho. Metcalf, esq; Rich Danby; Rich. Eryngton; Wm Lee; and John Raket. A'o 1°.——Rudd's MSS.

* See plate of coins, letters L L L. N° 1, 2, 3.

† Rot. DD. Sinews, N° 2.

also continued constables of the castle, Richard Danby senescal, and Richard Eryngton attorney-general.

CHRISTOPHER BAINBRIGG,*

then dean of York, was elected to this See, in the year 1507, and received restitution of the temporalities on the 15th day of November in that year: He sat here a very short time, being translated to the metropolitan See of York, on the 22d day of September 1508.† Godwin says, he was of a noble family; but in that is not supported: He was born at Hilton‡ near Appleby, in the county of Westmorland, and received his education at Queen's College in Oxford: On taking holy orders, he was made rector of Aller, in the diocese of Bath and Wells. He held three prebends successively in the cathedral church of Salisbury; South Grantham in 1485, Chardstock in the same year, and Horton in 1486. He was elected provost of Queen's College in 1495, and about the same time created doctor of laws. On the 28th of September, 1503, he was admitted prebendary of Strenshall in the cathedral church of York, void by the consecration of Geoffery Blyth, to the See of Litchfield and Coventry; and on the 21st of December following, was installed in the deanry of that church, in the room of Blyth. In 1505, he was made dean of Windsor, and the same year master of the rolls,§ and one of the king's privy council. In 1507 he was advanced to the See of Durham, and received the temporalities at the time before-mentioned: ‖ The next year he was translated to York.¶ Pits assures us, that Bainbrigg had been very intimate with Morton archbishop of Canterbury, and shared in that prelate's sufferings during the usurpation of Richard III, after whose death his affairs took a more prosperous turn, for he was appointed almoner to Henry VII, and employed by that prince on several embassies to the emperor Maximilian, Charles VIII. of France, and other poten-

* This mode of spelling is adopted, from the usage of the family now remaining in Westmorland.—See Kippis' new edit. of the Biographia Britannica, vol. i. p. 576, from which this bishop's life is partly transcribed.

† Ang. Sac. p. 780.

1507, 22 Hen. VII. Custodia hospitalis de Sherburn concessa Roderica Gondisalvo.——Rymer's Fœdera, vol. xiii. p. 167.

De restitutionibus temporalium Dunolm. C. Bainbridge.—Ibid. p. 271.—Ath. Oxon. vol. i. p. 651.—Fuller's Worthies (Westmorland) p. 136.—Eng. Worth. p. 839.—Grey's MSS.

‡ Wood's Ath. Oxon.

§ In 1504, Grey's MSS.—Lord high chanc.—Hist. Ch. of York.—Wharton's Ang. Sac. 1504, 13th Nov.

‖ On the 17th Nov. Biog. Brit. p. 463.

¶ Wood's Ath. Oxon. vol. i. p. 651, 652.

tates of Europe.* He distinguished himself chiefly by his embassy from Henry VIII. to pope Julius II, touching the Venetians, wherein he attempted their reconciliation with the pope. To effect this matter, he mingled his own interests with those of this prince; and, having an eye on the vacant cardinal's hat, carried on his negociations with so much artifice and disguise at the outset, that the real intentions of his master were not discovered. In the sequel, the pope, quarrelling with France, sought to gain the king of England to his interest; and therefore honoured his embassador, by creating him a cardinal, and giving him a precedency which belonged of right to the archbishop of Siponto, as being the eldest prelate in that promotion. It is asserted, in his monumental inscription, that he was created cardinal for the the eminent services done to the holy See; but, if Mr Aubrey has set the affair in a true light, the red hat was rather the motive to, than the consequence of his merit; rather the bribe, than the reward of his services.† He was made cardinal by the title of St Praxede, in the month of March 1511;‡ and, eight days after, he was appointed legate of the ecclesiastical army, which had been sent into the Ferrarese, and were there then besieging the fort of Bastia: In return for which marks of honour, our new cardinal and legate prevailed with the king his master to take part with the pope against the court of France. The cardinal's zeal upon this occasion influenced the king to lay the affair before his council, when, after long debates, it was resolved to undertake the war.|| Nor was the cardinal less zealous in the service of the pope, during his life, than in honouring and defending his memory after his death. There are extant, in Rymer's Fœdera,§ two letters, one from the cardinal to Henry VIII, during his residence at Rome, concerning the pope's bull, which gave him the title of His most Christian Majesty; and another from cardinal de Sinigallia to the king, acquainting him that he had delivered that instrument to cardinal Bainbrigg: His anxiety for the safe delivery of this instrument, was derived from his tender care of the pope's memory. This prelate died at Rome on the 14th day of July 1514, being poisoned by one of his domestics, in revenge for some blows he had given him. M. Aubrey says, that the cardinal one day, being in a violent passion, to which he was naturally subject, fell upon his *major domo*, one Renaud, of Modena, and beat him excessively, which the enraged domestic revenged by a dose of poison he found means to administer. The

* Pits, de illustr. Angl. Scriptor. in Append. Centaur. vol. i. p. 48.

† Biog. Brit. (note) p. 464.

‡ Polyd. Virgil. Angl. Hist. edit. Ludg. Batav. 1651, lib. 27, p. 4; and Aubrey's Hist. Gen. des Cardinaux, 1645, lib. 3, p. 164.

|| Pol. Virg. Angl. Hist. p. 6, 7.

§ Vol. xiii. p. 376, 379.

villain being apprehended and imprisoned, he prevented the execution of public justice by hanging himself; his body was afterwards severed, and hung on the city gates.* Richard Pace, dean of St Paul's was in the cardinal's service, and with him at Rome at the time of his death: He transmitted to the king an account of the manner of it, and of the measures taken to discover those who were concerned therein. He lamented some reproaches which had been thrown on his deceased master by the bishop of Worcester: "Though my lord," said he, "had sum vices yett "he was the most faytheful man to hys prince that evyr was "borne, and ever watchful for the good of the king's highness "and his native country, notwithstanding the insinuations that have "been made to the contrary."† Ciaconius says,‡ that our prelate was a man of most insolent carriage, of violent passions, and great sourness of temper, both with his domestics and others. Pits commends him for his great learning; and tells us he wrote many things in the civil law, and some accounts of his own embassies, nothing of which has come down to us: But a foreign author, (Paris de Grassi) has given a very different idea of the cardinal's abilities, and relates, that before his advancement to the purple, being one day to return thanks to the pope and sacred college for the honour done to the king his master in sending him the golden rose, was forced to break off his speech, and to quit the consistory in great confusion: And the like disgrace befel him when cardinal, a few days after his promotion; for it being his lot to thank the dean of the sacred college, in the name of all the new cardinals, he was again at a loss, and, what was still worse, spoke directly contrary to the instructions given him by the master of the ceremonies, which were, to divide his speech into four points; to magnify, in the first, the dignity of the cardinalate; to lessen, in the second, the merit of himself and his associates; in the third, to extol the goodness and condescension of the pope; and to end with compliments of thanks, and offers of their most humble service.‖

* The whimsical Dr Fuller, on this occasion says, "Herein something may be pleaded for this cardinal out of the Old, sure I am more must be pleaded against him out of the New Testament, if the places be paralleled:

Prov. xxix. 19.	1 Tim. iii. 3.
"A servant will not be corrected by words &c."	"A bishop must be no striker, &c."

But grant him greatly faulty, it were uncharitable in us to beat his memory with more stripes, who did then suffer so much for his own indiscretion."———Fuller's Worthies of England, (Westmorland) p. 136.

Commissio pacis.—Justices, the chancellor and prior, Sir Ra. Bowes, W. Bulmer, esq; Rich. Danby, Tho. Tempest, Geo. Batemanson, John Raket, Rich. Bainbrig, and John Bently, 10th, Mar. a° 1°.—Rudd's MSS.

† See this letter among the collections at the end of Fiddes's Life of Wolsey.

‡ Alfrid Ciacon. Hist. Pont. Rom. & S. R. E. Card.

‖ Biog. Brit. vol. i. p. 577, Kippis' edit.

The cardinal was buried in the English church of the hospital, of St Thomas the Martyr, in Rome, in the second year of pope Leo X. On his tomb was the following epitaph:

"CHRISTOPHORO ARCHIEPISCOPO EBORACENSI S. PRAXEDIS "PRESBYTERO CARDINALI ANGLIÆ, A JULIO II. PONTIFICE "MAXIMO OB EGREGIAM OPERAM S. R. ECCLESIÆ PRÆSTITAM, "DUM SUI REGNI LEGATUS ESSET, ASSUMPTO QUAM MOX DOMI, "ET FORIS, CASTRIS PONTIFICIIS PRÆFECTUS TUTATUS EST. "OBIIT PRIDIE IDUS JULII, M.D.XIV."

During the short time this prelate presided here, peace still being maintained between England and Scotland, there are few records of note in his episcopacy,* nor any money of his mintage.†

* Charta Christopheri Bainbridge, episc. Dunelm. priori et conventui Dunelm. de liberis warrennis in parcis et boscis eorum, ad prohibition. fugation. in eisdem, sine licentia eorum, s. p'æa 10*l.* domino episc. forestar. Rot. B. N° 64.

Chr. Bainbrigg episc. Dunelm. per copiam rottul. cur. halmot. dimisit Radulpho Bowes militi burgum d'Sunderland præd. &c.—Vide lib Halmot. in officio cursitoris Dunelm. redend. 6*l.* per ann.

Pat. from bp. Bainbrigg to John Raket for life, the conservatorship of all the bp's rivers of Tees, Wear, Tyne, &c. and for preserving salmon, &c. Rot. B. 22 Hen. VII. 1507.—A confirmatory grant to the prior and convent of Durham. Rot. B. N° 66.——Spearman's Enq.

The See vacant.

Tho. Prior of Durham, and Will. Bulmer, esq; ap. guardians, 21st May 1505. —Wm Bulmer, knt. ap. sheriff 14th June 1505.—Tho. Reidman, esq; ap. escheator 3d July 1505; oc. 10th July 1507.—Rob. Chambre, cl. dean of Chester, ap. chanc. and keeper of the great seal, 13th June 1505.—Rich. Yon and Will. Lee, constables of the castle.—Rich. Danby, senescal, oc. last of June 1505, (Copyh. B. I. p. 153.) first time; again 29th Oct. 1507, (Copyh. B. K. p. 14.) the last time.—N. B. 10th Copyh. Book, K. ab. a° 23 Hen. VII. usq. an. 14, Ruthal ep. 1527, contains 548 pages.—Rich. Eryngton, attorney-general, 14th July 1505.

Chr. Bainbrigg, LL. D. dean of York, elected.
Consecrated ——————— 1507.
Temporalities restored 15th Nov. 1507. Rot. B. N° 1.
Translated to York 22d Sept. 1508.
Bull dated at Rome 12th kal. Oct.
Made a cardinal ——————— 1511.
Constituted lord chancellor 15th Nov. 1505.

Officers of the See during the time of Bishop Bainbrigg.

High sheriff,—Will. Bulmer, knt. ap. 10th Mar. 1507.

Escheator,—Joh. Perkynson, ap. 10th Mar. 1507.

Chancellor, &c.—John Withers, cl. ap. chanc. and keeper of the great seal, and receiver-general of Durham and Northumberland, during pleasure, 1st Dec. 1507.—Rot. B. N° 2. Test. me ip'o apud hospitiu' n'ru juxta Charyng Cross. —Preb. of South-Cave in York ch. 1512; ob. 1539.—Preb. of Knaresbrough cum Bickhill in the same, 4th Aug. 1512; he exchanged for South-Cave.—Preb. of Hoveden, Beverley, and Sarum. Commissary to abp. Bainbrigg.—Preb. of Mapesbury, in St. Paul's ch. London, 29th Sept. 1534, v. Newc. vol. i. p. 175.—Proctor of the univ. of Oxon. 1491.

Constable of the castle,—Will Lee.

The See continued vacant until the month of April following the translation of bishop Bainbrigg; but it does not appear that the crown appointed any guardian of the temporalities, and the civil offices were all retained during the vacancy. This singular circumstance might arise from the king's indisposition, whose gouty habit now shewed itself in dangerous symptoms; for having fallen on his lungs, it threatened a speedy dissolution: He lingered for some months, and at length departed this life on the 22d of April, 1509. Arthur his eldest son being dead without issue, he was succeeded by his second son, who assumed the sceptre by the title of Henry VIII.

The reader is now entering upon the most momentous period of our episcopal history, and approaching to a display of those distinguished characters in the annals of our palatinate, as well as country at large, who brought about the greatest event in British history. In order to advance with due attention, the reader will recollect, that this palatinate was an ecclesiastical state in the most enlarged sense of the term; it was the only one in Britain; singular and unparalleled in this kingdom; governed by a potentate, in whom was united the prince and prelate, the civil and ecclesiastical jurisdiction; and though subject to the constitutional laws of the empire at large, yet was governed by a viceroy holding a court of barons and privy council; and by a provincial, customary, or common law, and provincial officers of justice of every rank; an imperial mitre, and a popedom in miniature; holding the reins of civil government, and having an unlimited authority over ecclesiastics and church affairs, without the controul and visitation of a metropolitan. Viewing our bishopric in this light, it may be necessary to collect a general state of religious manners at this period, that we may be provided with due estimates and ideas, previous to our advancing to the material events of this reign.

The principles of Wycliffe and the reformers had made a slow progress, having been opposed with violent persecutions, and not by controversy and confutation: The church held abundant power, and the legislative authority nodded in fetters: The reli-

Senescal,—Edm. Dudley, arm. unus de concilio Hen. VII. ap. for life 20th Sept. 1508. Rot. B. N° 23. He never appearing in person, the following deputies it is presumed, officiated for him: I. Withers cl. canc. occup. & locum, capit. senesc. oc. 3d Apr. 1508. (Copyh. Bo. K. p. 17;) again 21st Oct. 1508, last time.—John Raket, occupans loc. cap. senesc. oc. 26th Feb. 1508. (Ibid. p. 107, 123;) sede vac. p. transl. Christophori.

Registraries,—John Batmanson, LL. D. ap. for life 24th Sept. 1508. Rot. B. N° 84.——Randal's MSS.

† As bishop of York, he coined both half-groats and pennies, which have an X and a B on each side of the shield upon the reverse.

gion of the ecclesiastics was dissolved into shew and pageantry, piety and energy were forgotten, and the religion of the people was made up of superstition and practical services: The holiness of the mind, the religion of reason and of the soul, were buried with the fathers of the Saxon church: Pilgrimages, and the adoration of personages uncomprehended in the Trinity, veneration for saints' relics and holy rags, were the rage of the times: The care of the clergy was confined to the maintenance of that grandeur and power, to which they had been rapidly advancing for two preceding centuries; and to that end they were for ever busied in extending their privileges, and protecting their rights from infringement and innovation: Discipline was neglected, and learning gone to decay: The clergy regarded their spiritual power and jurisdiction, only as the means of protecting their temporal rights from violation: The authority of the church was become the chief object with the religious: The papal power was increased to an enormous height; and though England held restrictive statutes for repressing all unconstitutional extension of jurisdiction here, yet they were left to sleep in oblivion; whilst innovations, like a flood, passed over the dormant powers: There was not a bishopric in England at this period that did not pass by Rome's provisional bull; nor a temporal matter of moment to the state, but what was dignified by her sanction. There is no occasion to go into a review of the more scandalous practices; let them sleep with the baleful ages in which they prevailed; it is enough to assert, that the extension of papal power was incompatible with the foundations of liberty our ancestors had provided. The corruptions which had crept into our own clergy are the proper subjects for our animadversions. The age was vicious and immoral: Luxury and all her train of contagions possessed the people: Pride, magnificence, and outward pomp, had contaminated every rank of men: Public spectacles and expensive entertainments were the occupations of every mind. In the beginning of Hen. VIII's reign, *he yielded himself wholly to the vices of the age, and all the propensities of his youth: Every day he held tournaments, balls, concerts, feastings, and other expensive diversions; till in a very short time, he had totally dissipated the immense sum of 180,000£. with which his father's coffers were filled by every kind of extortion. The clergy were participators of these enormities; and cardinal Wolsey is charged with an ingenious invention towards such dissipations, in which he studied to have his sovereign immersed, that he might gain in-

* Lord Herbert, Hale, &c.

fluence by cherishing his vices, and endear himself to his king by being the nurse of those very sins he ought to have repressed. Most of the bishops were promoted to their Sees for having rendered themselves serviceable to Rome, or to the depraved passions of their sovereign; they were named from persons brought up at court, and trained in the maxims there practised: Real learning was scarce heard of in this æra: The canon law and school divinity were the accomplishments every student sought promotion by: The monks had filled the colleges, and occupied the professorships of the universities; by which means philosophy and divinity were thrown aside, for a system of logical jargon which might furnish the disputant with the art of wresting an argument. Every one saw the necessity there was of reforming the church, and bringing the corrupted ecclesiastics from their vices; but no potentate dared to make the attempt: The See of Rome itself shewed a consciousness of the necessity, but trembled to its foundation at the measures to effect it. It is wonderful to observe the progress by which Providence brings about the greatest events; involuntary agents are frequently the operators of divine will, and often the wicked hand of the determined spoiler brings about a blessing he could not comprehend: Thus the ravages of war have made a passage for the progress of arts; and the sword, embrued in blood, and extended by the hand of cruelty, hath led on the olives of religion and virtue, introduced the polity of distant states to dark and ignorant nations, and civilized the barbarity of the most savage people of the earth. The power of the church was grown enormous, and the drones of religious societies had engrossed a vast territory in this kingdom; insomuch, that the civil jurisdiction was straitened, the state enfeebled, and a dreadful anarchy appeared to be approaching, which would in a short time have swallowed up the English monarchy. The churchmen, had many of them been virtuous, might have stayed the flood of donations, which were incessantly pouring in upon them from superstitious hands and terrified consciences; they might have corrected the vices of their houses, and the impieties of their brethren. But the character given of them by John Huss and Jerome of Prague, at the hour of their condemnation, was too true: "That the church of Rome, and all the other churches in "world, were far swerved from the apostolical traditions: That "the clergy ran after pleasures and riches: That they lorded it "over the people, affected the highest seats at entertainments, "and bred horses and dogs: That the revenues of the church, "which belonged to the poor members of Christ, were consumed "in vanity and wantonness: That the priests were ignorant of

"the commandments of God; and if they did know them, lightly "regarded them."* The manners of the times were far from being improved; from the beginning of the fifteenth century, they in many instances were very much debased; when the university of Oxford complained, "That church preferments were "bestowed, without any regard to learning or merit: That the "colleges were thereby become empty, because there was no need "of study or learning to be qualified for a benefice." Whereupon the convocation, to whom this complaint was addressed, passed a canon, that none but graduates in the universities should be capable of benefices. But this was a weak fence against the papal power.† On the day of Henry VIII.'s accession, viz. April 22, 1509.

THOMAS RUTHALL, or ROWTHALE,

was nominated to the See of Durham. It is evident a papal provision was had for him in the time of Henry VII, for in Rymer's Fœdera, vol. xiii. p. 233, a pardon for Thomas Ruthall, bishop of Durham, is dated in the 24th year of Henry VII, A. D. 1508. He was born at Cirencester in Gloucestershire,‡ and educated at Cambridge;‖ was made a canon of Lincoln and York, and dean of Salisbury; appointed to this bishopric on the 23d April 1509, and soon afterwards received consecration.§ Pope Julius II. sent him the form of the oath he was to take to the holy See, which is in Rymer's collection. He made his profession to the archbishop of York on the 24th of June, and had the temporalities restored on the 3d day of July following:¶ Was in great esteem with Henry VII, and afterwards with his

* Eneas Sylvius, alias pope Pius II.'s History of Bohemia.

† Spelman. Con. tom. ii. p. 675, 677.—Rapin, p. 700, &c.

‡ Where he erected and endowed a free-school.

‖ Notes Biog. Brit. say, he was bred at Oxford, and had his degree of D. D. there. Was chancellor of the university of Cambridge, 1503.—p. 4317.

§ Was nominated by king Henry VII.—Ibid.

¶ Thomas Ruthall, sive Rothehall, (rectius Rowthale, sic enim nomen propria manu scriptum vidi) ad episcopatum Dunelmensem ab Henrico VIII. rege designatus est eodem die, quo ipse rex primus denuntiatus fuit, sc. 1508, 23 Apr. Professionem archiepiscopo Ebor. fecit 1509, 24 Junii. Sub initium anni 1523 obiisse videtur. Wolsei enim cupiditas cum potentia conjuncta nullos episcopatus sibi destinati redditus vacatione diuturna intercedente subtrahi passa est.—Ang. Sac. p. 780.

Ath. Oxon, vol. i. p. 661.——Atlas of England, p. 798.

A. D. 1508, 24 K. Hen. VII. De Pardonatione pro Tho. Ruthal, ep. Dun.—Rymer's Fœd. vol. xiii. p. 233.

A. D. 1509, 24 K. Hen. VII. Sup. vacatione episcopatus Dunolm. (granted to the prior.)——Ibid. p. 247.

——————— 1 K. Hen. VIII. Juramenti forma pro electo Dunolmensi.—Ibid. p. 256.

———————De restitutione temporalium Dunolm. Tho. Ruthal, ep.—Ibid. p. 258.

son and successor; so that he held the distinguished offices of one of the privy council, keeper of the private seal, and secretary of state; and was employed under both these sovereigns in several matters of the greatest moment. Chambrè tell us, that on account of his singular wisdom, he was constantly retained at court: so that he had it not in his power to pay much attention to his bishopric. According to the manners of the times, he was a necessary instrument in those reigns; for which he neglected the spiritual capacity of his episcopacy, so that very few records of note appear during his time.* The only public works within the province, attributed to him, were, the reparation of the south part of Tynebridge, and building the great dining-hall in the palace at Auckland; which latter not being finished in his life-time, he left a sum of money to perfect the plan, and a workman of skill to see it executed.

In all the public transactions, of which our prelate had a part, or the palatinate was particularly interested, a second character seems so interwoven, that it appears impossible, with any degree of perspicuity, and without running into dull repetitions in the

—— 1516, 8 K. Hen. VIII. Pro Tho. Ruthall, Dunolm. ep. super officio custodis privati sigilli.—Ib. 553.

—— 1522, 15 K. Hen. VIII. Contra invasionem Scotorum de proclamationibus, ep. Dun.—Ib. 773.

1 K. Hen. VIII. stat. chap 8. The act of escheators and commissioners.—Provided that this act for escheators exercising their office over an whole year, and letters patent granted to them for life or otherwise, extend not nor be prejudicial to any escheator in the county palatine of Durham.

* Copyh. Book, K. p. 15. Ruthall.

Memd. that ye xxvijth day of Juyne the ixth yere of the consecrac'on of the reverend fadre in God Tho. bushop of Duresme, I John Bukke vewer to my said lord of Durham, &c.

Terræ per escaetam propter feloniam ad episcopum forisfactæ donatæ Johanni Macy. Thomas, d. g. &c. Sciatis quod nos, &c. dedimus et concessimus eid. J. M. unum mess. &c. &c. in Hamsterley quæ fuerunt Philippi de Preston, et quæ ad manus, n'ras tanquam escaeta n'ra devenerunt, eo quod prædictus Philippus feloniam fecit pro qua utlagatus fuit. Habenda et tenenda prædicta mess. &c. præfato Johanni heredibus et assignatus suis de nobis et successoribus n'ris episcopis Dun. in perpetuum. Reddendo inde annuatim nobis et successoribus n'ris prædictis redditus et servitia, quæ de prædictis mess. &c. antequam ad manus n'ras devenerunt, reddi debuerunt et consueverunt. In cujus, &c. pat. dat. Dun. 24° d. Oct. a'o pont. n'ri 2°. —Mr Mann's MSS.—Randal's MSS. &c.—Penes G. Allan.

Commissio pacis. Justices,—John lord Lumley; Thomas prior of Durham; Sir Robt. Brudenell; Sir Humph. Conningsby, justice of the King's Bench; Bryan Palmes & Anth. Fitzherbet, serjeant at law; Wm Frankleyn clerk, chancellor; Sir Ra. Eure, Sir Wm Hilton, Sir Wm Eure, Sir Wm Hansard, Tho. Tempest, Tho. Fairfax, and John Bentley. Dated 20 Julij. a'o 8°.- Rudd's MSS.

Com'issio c'pi ad seis. les terres et chatelles quarumcunq. personarum infra epat. Dun. sub obedientia regis Scotor. nator. Rot. cl. A. N° 45.

Commissio arraiand. grounded on the king's writ. Rot. cl. A. N° 103.

Commissio c'pi ad inquirend. de iis qui se non preparaverunt juxta diversor. mandator. ad serviend. pro defensione regni versus Scotos. Rot. cl. A. N° 108.

progress of this work, to avoid carrying on an account of both persons, in the series of events to be related: This was Thomas Wolsey, the cotemporary and colleague of our prelate in state matters, and his successor in the bishopric.

Wolsey's birth and education are so well known, and the early events of his life have been displayed by so many writers, that the repetition here would not be pardoned. The bishop of Winchester was a very great advocate with Henry VIII. for Wolsey; he observed his active and penetrating mind, and hoped to lessen the interest of lord Surry, whom he hated, by encreasing the king's favour to this young and aspiring minister. The king made Wolsey his almoner;* and soon afterwards presented him with the mansion-house of Empson, one of Henry VII's rapacious officers, who was convicted of high treason. In 1510, Wolsey was admitted a member of the privy council, and reporter of the proceedings in the star-chamber; and from thenceforth his promotions were rapid. He acquired a competent knowledge of his sovereign's disposition of mind, and the bent of his favourite passions, and thence derived his influence. He studied to indulge his love of ease, and attachment to pleasures; sought every occasion to withdraw him from public business, and to leave matters of state to the conduct of his ministers. He had a luxuriant imagination, and a genius calculated for gay exhibitions and expensive diversions: This faculty he exerted to immerse the king in voluptuous enjoyment, and spared no expence in the gratification of his sovereign's love of splendor and pleasure. The bishop of Winchester could not help murmuring, to see the treasures lavished away in idle sports and dissipations, which his old master, Henry VII, had amassed with so much care, pains, and injustice; "in which he himself had been employed."† He charged the treasurer, lord Surry, as the chief cause: But as the whole court were gaining favours from the vices of the king, the bishop's pious clamours were despised; in a little time he retired in deep chagrin, under a decline of influence which he daily observed, and which brought him at length into contempt.

Wolsey, it is said, was a principle agent in instigating the king of England to engage in a war with France, in the year 1513; in the negociation of which matter with the pope, archbishop Bainbrigg was envoy at Rome. The motives which induced Wolsey to advise the war, and the events are well known.

* "As fast as the other counsellors counselled the king to leave his pleasures and to attend to his affairs, so busily did the almoner perswade him to the contrary, which delighted him much, and caused him to have the greater affection and love for the almoner. Thus the almoner ruled all them that before ruled him; such did his policy and wit bring to pass."——Cavendish's MSS. in the Harleian Collection.

† Rapin.

The king of England was no sooner on the continent, to prosecute the war there, than a herald was sent from Scotland to complain of injuries sustained from breaches of truce by the borderers, coupled with assurances that the states were resolved to support their ally the king of France, in consequence of the several treaties subsisting between the nations. This message was received by Henry when he lay before Tourenne, and the answer he gave, in the warmth of resentment and youthful rashness, was so full of contemptuous and harsh expressions, that the herald, on his return refused to repeat them. The tenor of this answer was, an accusation against the Scottish king, "of a breach of solemn "oaths, a crime his progenitors were charged with having been "addicted to. He was upbraided with dishonourably taking "advantage of Henry's absence; but as the fragility of his faith, "and the whole tenor of his past conduct, had given too much "ground for suspicion, he assured him precautions were taken, "before the English army embarked, for the defence of England; "and has he had shewn a soul susceptible of so little generosity "and princely truth, he would exclude him and his descendants "from any possibility of succeeding to the crown of England, "though he had been informed he had fixed an ambitious eye on "that elevated dignity." It is evident this wrathful answer, so full of reproaches, did not influence the conduct of the king of Scotland, for, previous to the herald's arrival, the Scottish army had entered England, and their king had lost his life at the fatal battle of Flodden-field.

A small body of troops, under the command of lord Hume, had entered England, and ravaged and laid waste the borders. The main body of the Scottish army, led by the king in person, followed by slow marches. Lord Surry, who was collecting the forces of the northern counties with all possible diligence, sent forward Sir William Bulmer with a troop of archers of this palatinate, who called to his aid the people of the English march, not exceeding in the whole one thousand men, formed an ambuscade in the deep broom which grew in some parts of Milfield plain, near the road the Scottish marauders must necessarily pass with their spoils, and there put them to the rout. The Scottish leaders made several efforts to rally, and lead up their troops in order, but were not able to sustain the regular and heavy discharge of the archery: They left five hundred slain upon the field, and as many more were taken; lord Hume lost his standard, and his brother George was among the prisoners. The king of Scotland, eager to revenge this disgrace, proceeded with more speedy marches, and entered England on 22d day of August 1513, at the

head of an army of 60,000 men. The siege of Norham opened his military operations; the outworks were forced, one of the towers was beat down, and many of the garrison were slain at the first attack, so vigorously was the fortress assailed. The main tower held out for six days, and then capitulated; on which occasion the greatest part of the works were destroyed. The reduction of the castles of Etal, Wark, and Ford, followed. The king of Scotland did not pursue his advantages, and march forward whilst the panic of his approach prevailed, but, fascinated by the lady of Ford castle, he loitered till the earl of Surry had collected his army, and was approaching him; which drew on the battle of Flodden-field, so fatal to the king and his people, on the 9th day of September. In the challenge sent by the earl of Surry to the Scottish king, from the camp of Wooler-Haugh, are the names of three distinguished persons of this palatinate, William Conyers, John Lumley, and Sir William Bulmer; and in the first line formed for that memorable battle, was Sir William Bulmer, with the forces of the bishopric of Durham. No mention is made of their numbers; but, from their station in the array, it is more than probable they won some of the chief honours of the day; for the earls of Lenox and Argyle making a fierce attack with their troops, armed with long pikes, on the right wing commanded by the lord-admiral, earl Surry's son, the conflict was desperate, and the event long dubious, till a reinforcement strengthened that part of the line, and gave the advantage to the English. Soon after that change of fortune, the English arms prevailed in every part of the field. It is probable all the forces of the palatinate were out upon this service; for when lord Surry marched his army northward through Durham, St Cuthbert's banner was displayed with the usual ceremonies, which, as observed before, being the royal standard of the province, must necessarily be attended by all the military men of the palatinate. Another circumstance in support of this opinion is, that the standards taken from the Scots in that engagement were placed as trophies round St Cuthbert's feretory. Letters were written in the name of the king, after his return from France, to all persons of note who had fought in his army at Flodden, extolling their gallant behaviour, and assuring them of his royal favour, when ever an opportunity should offer for their promotion.

The kingdom of Scotland was thrown into the utmost confusion by the fatal event, the heir to the crown being an infant of only seven months old; but as the dissentions touching the regency did not affect this province, and there was no further warfare on the borders, it is time to return to bishop Ruthall and his colleague.

Wolsey returned to England with the king, in October 1513, after a new treaty was entered into with the emperor, and on the 26th of March following was consecrated bishop of Lincoln; advancing daily in the king's favour, till at length he engrossed the sole administration of state affairs. Cardinal Bainbrigg passed the last hours of his life in great displeasure with Wolsey and the court, frequently reproaching the minister with want of gratitude: On his death, Wolsey was promoted to the See of York. He immediately began to repair York-place, the house of the archbishops in London, and to erect a sumptuous palace at Hampton-court. Overtures of peace being made by France, Wolsey alone was entrusted with the negociation, and it is said enriched his coffers on the occasion,* the terms and concessions he granted being purchased by France with great gifts. Whilst he managed the whole of this treaty and other public matters with an arbitrary hand, he had such power of persuasion and artful demeanor, and had so entire a possession of the king's mind, that he made him believe every thing was done in pursuance of his royal command.

The king of France soon afterwards departed this life without issue, and was succeeded by the duke of Valois, who assumed the title of Francis the First. He entered Italy in a short time after his accession, and made himself master of the duchy of Milan. This event was seized on by Wolsey to enflame his sovereign's mind against him, for the French king had done him ill offices with the pope touching the bishopric of Tournay; but he made peace with the minister, by engaging his interest to obtain him the vacant cardinal's hat, which was then become the chief object of his ambition. Wolsey had employed cardinal Adrian bishop of Bath, and the pope's collector in England, to solicit that honour for him at the court of Rome, but discovered he had betrayed his cause; whereupon he prevailed upon the king to write to the pope, to solicit that he might be deprived of his office, and on some pretext obtained his deputy Polydore Virgil's imprisonment in the Tower, he having been privy to some representations which were unfavourable to him. The application for the hat, in Wolsey's favour, met with great opposition; but at length the interest of the English sovereign prevailed, he was decreed the purple, and on the 7h of September 1515 was created cardinal of St Cecile beyond the Tiber.

When the cardinal was informed his hat was come into England, he ordered a messenger to be dispatched, to stay the bearer on the road till he should be better attended. He prepared a

* Guthrie, vol. ii. p. 889.

most magnificent retinue; and the bearer of this valuable gift was met on Blackheath by a great assembly of prelates, and men of figure and consequence from the county of Kent, who conducted him with a pompous parade through the city of London to Westminister Abbey, the lord-mayor, aldermen, and respective companies of the city of London, attending in their stands during the procession. At Westminister Abbey, eight abbots in their proper habits received the sacred hat with great solemnity, and placed it on the high altar, where, after this pious farce, it rested till the 18th of November, being Sunday, when Wolsey repaired to the Abbey, accompanied by the principal nobility and people of consequence about the court and its vicinity, and kneeling before the altar with his hood over his face, whilst the prayers and benedictions adapted to the creation of a cardinal were read to him, he was invested by the archbishop of Canterbury, who, with much religious grimace, put the hat on his head. This ceremony being ended, the cardinal returned to his palace at Charing-Cross, attended by a vast concourse of people, where a sumptuous entertainment was provided, at which were present the king and queen, the queen of Scotland, the queen dowager of France, the archbishop of Canterbury, the bishops of Worcester, Durham, and Rochester, the dukes of Norfolk and Suffolk, Sir John Fincux lord chief justice of England, the other judges, serjeants at law, and a multitude of others of high distinction. Rapin says,* "Wolsey so absolutely governed the king, that he turned "him which way he pleased; but he managed so artfully, that "the king always fancied he took his own course, when he only "followed the suggestions of his minister. Wolsey had great "talents, but he had also great failings; he was excessively re- "vengeful, greedy of possessions and honours, and intolerably "proud. He no sooner saw himself fixed in his master's favour, "than he sought means to remove from court all those that gave "him any jealousy by the king's esteem for them: The bishop "of Winchester, the dukes of Norfolk and Suffolk, who had been "most in favour, received so many mortifications from this im- "perious prelate, that at length they quitted the court, not to be "exposed to his insults." Fox withdrew to his diocese, having first besought humbly of the king, that he "would not suffer the servant to be greater than the master."† The two dukes quickly followed, the duke of Suffolk being called to account for his debts to the crown.‡ On archbishop Warham's resignation of the seals, Wolsey was appointed chancellor. He now assumed a

* p. 731. † Herbert. ‡ Hall, Hollingshead, &c.

greater degree of pomp, parade, and magnificence than any churchman in England had ever done before him: His train consisted of eight hundred servants,* many of whom were knights and gentlemen: He had nine or ten lords among his attendants, one of whom was the earl of Derby. His equipages, furniture, and the embroidery of his liveries were uncommonly splendid and superb; even the principal cook of his kitchen, Cavendish says, was daily cloathed in sattin or velvet, and wore a golden chain. He was magnificent in his own apparel, being the first English clergyman that wore silk or gold in his habit, and on his saddles, or trappings of his horses or mules: His apparel was of scarlet or crimson sattin or taffety: He wore red gloves with his red hat: His shoes were of silver, gilt, set with pearls and precious stones; and when he appeared in public, he had two crucifixes of silver, two pole-axes, two pillars of silver, gilt, and golden cushions, borne before him.† Let his genius and parts be admitted excellent in the management of state negociations, we

* Cavendish.

† In archbishop Sancroft's Collectanea Curiosa, (p. 283 to 344) we have a long account of cardinal Wolsey's plate, which appears thereby of an immense value.—I will remark a few articles only, and leave the curious reader to resort to the book for the rest.

Page 286. *Item, delivered oone high crosse, this crosse was new-made after the fashon of the crosse of the cardynall Campegie of silvar and parcelle gilte poiss* cxxv *oz. the ounce of silvar* 3*s.* 4*d. in money.* xxl, xvjs. viijd. *and for every ounce makyng and gilding* xd. *in money* vl. iiijs. ijd.—xxvjl. xd.

Item, delivered iij *pynnes of silver and gilte with stones for my lordis grace deliveryd to maister Tonnyes and lost by Sir Walter clerke of the closyat* vjs. viijd.

Page 287. *Item deliveryd oone braslet of fyne golde poiss* iij *ounces penny weight d. in mony* vjl. iijs. *the makyng* xiijs. ivd.—vjl. xvjs. iiijd.

Item, for the overplus of the golde that went to the twoo crosses (carried before him in procession) *for my lordis grace made of fine golde, oone garnished with stone and perle poiss.* x *ounces, for every ounce chaunge of the golde betwene corone gole and fine golde* iiijs. iiijd. *and for every ounce makyng of the* x *ounces* vis. viijd.—vl.

Page 288. *Item, deliveryd to John Beynyarde of London goldsmethe, at the reyqueste of maister Gostwike my lordis servaunt, for the makyng of a harness for a moile* (the cardinal's mule) *oone hundred ounces st. the oz.* iijs. iiijd.—xvjl. xiis. iiijd.

Page 289. *Item, deliveryd in gilte spangillis for my lordis footmens cootis to Stevyn Humble branderer poss.* clvj *oz. qrt.* ijd. *weight the ounce* vjs. *in money* xlvjl. xviljs. id. *Wherapon resceavid twoo images bodyse of Petar & Paule of silvar by thandis of Mr Tonnyes poiss.* ccxxxv *ounces d. the ounce* iijs. iiijd. *in money* xxxixl. vs. *so reste due to me* vijl. xiijs. id

Page 290. *Item, for the makyng of* xiij *cheynes of fine golde when my lordis grace went to Guynes with the kyng, for the makyng and fashon of every cheyne* xxs.—xiijl.

Item, the makyng of a greate cheyne that Mr Page my lordis servaunt ware at my lordis commandement when my lorde went to Callice & my lorde of Durissyne (Durham) *with odor, wheche cheyne wayid* ccl. *of myne oune golde wheche gold I resceavyd agen reste to me for the makyng* xls.

Page 314. *Item, deliveryd the mending of a grydiron of silver withe the silver put to it* xs.

Page 323. *Item, deliveryd in gilte spangills for the footmens coottis poiss.* cij *oz. qrt. the oz.* vjs. viijd. *in money* xxxiiijl. xxd.

must also admit his pride was puerile, and his love for shew a weakness bordering on feminine folly. The vulgar only were fascinated by his parade, others saw it with censure and contempt. He was condemned by all good men, who looked upon his magnificence as a scandal to his religious character, and regarded the tinsel decorations of his life as the disgraceful badges of his corruptions. Byfield, who was afterwards a martyr, exclaimed, "My lord cardinal is no perfect or good man; Christ never "taught him to follow riches, nor to seek promotions; Christ "never taught him to wear shoes of silver,"* &c.

In the year 1516 the cardinal received a commission from the pope, appointing him legate a latere; on receipt of which he made a new parade and procession, to the disgrace of religious ceremony: He affected to perform the offices of high-mass after the manner of the pope himself, and not in the accustomed mode of other bishops; in which he was served by bishops and abbots, and the first nobility were employed to deliver him the water and towel. To support the expences of his household, besides the profits of his chancellorship, the revenues of his bishoprics, and other valuable resources, he got possession, at very low leases, of the revenues of Bath, Worcester, and Hereford, bishoprics filled by Italians, who were allowed to reside abroad, and were glad to compound for this indulgence by parting with a considerable share of their profits. He had also about this time a pension of three thousand livres granted by Charles king of Spain, having before obtained the conditional grant of a pension of ten thousand ducats out of the duchy of Milan; and it was computed, that the whole of his revenues, with the pensions and numerous presents received from abroad, annually exceeded the revenues of the crown. But though he engrossed such a prodigious income from ecclesiastical and civil appointments, yet, Anthony Wood says, "he was the most disinterested clergyman of that age." In the midst of all this magnificence, the cardinal's resentments broke out into vengeance, and even the least affronts were remembered with severity, as in the case of Sir Amias Powlet, who had offended him in the early part of his life.

In consequence of Wolsey's legatine authority, he erected an inquisitorial court, in which he exercised an undue authority and power, not known before in England, and totally unconstitutional, wherein he examined into matters under a kind of rule of conscience, as well civil as religious.

* Strype's Mem. vol. i. p. 120, 121.

The cardinal now assumed the power of presenting to all priories and benefices, as he pleased, with all the usurped latitude exercised by the pope, without regarding the right of patronage or election, to which the nobility or ecclesiastical bodies were entitled.

He accompanied the queen to Oxford, where they were received with every public mark of honour and distinction. On this occasion, he informed the university of his design of founding public lectures on theology; civil law, physic, philosophy, mathematics, the Greek language, and rhetoric, which he performed in a short time afterwards; but establishing no fund for their future maintenance, they sunk with him: He was also instrumental in establishing the college of physicians. Had not his vanity prevailed in all things, these works would have preponderated against many of his errors: He was the means of dissuading the king from entering into a league with the pope against the Turks, which he represented as a stale expedient to draw contributions from the clergy: He got the legate, who had a visitorial power, superseded and recalled; and obtained the pope's bull for visiting the monasteries and clergy.

On the election of a successor to the emperor Maximilian, who died in the year 1519, France and Spain, having various causes of contention and rivalship, were equally desirous of bringing over the king of England to favour their respective interests; for which purpose, they both cultivated, with the utmost assiduity, the friendship of Wolsey: Besides presents and pensions, they vied with each other who should caress him most; stiling him in their letters their friend, their patron, and their father; and extolling to the skies his virtue, prudence, and capacity. Wolsey artfully made use of those testimonies to flatter his sovereign's vanity, by representing to him how formidable he must be to those two potentates, when they thus earnestly solicited the aid and friendship of his servant; at the same time the king conceived Wolsey's abilities must be greatly superior to those of all other ministers, when they were thus acknowledged by the greatest princes in Europe.

On the French king's treaty for the surrender of Tournay, much incense was offered to the cardinal's vanity, whose weakness in that part was known to all the neighbouring potentates; and he obtained a pension of 12,000 livres, in satisfaction of the loss of his bishopric. On the above occasion, it was stipulated, that there should be an interview between the two monarchs, near Ardres, in Picardy; and Wolsey, as a man of infinite taste and magnificence in public shews and processions, was fixed upon

between the sovereigns to regulate the ceremonies, as master of the revels. Previous to Henry's departure in this interview, he received a visit from the new-elected emperor, the king of Spain; the cardinal was sent to compliment him on his arrival, and conducted him to the king at Canterbury. During the emperor's stay in England, he paid great court to Wolsey; and knowing his weakness and intolerable vanity, he engaged him in his interest, by some visionary promises of procuring the papacy. The same day on which the emperor left England, the king sailed from Dover, attended by queen Catherine, the queen dowager of France, Wolsey, the archbishop of Canterbury, the dukes of Norfolk, Suffolk, and Buckingham, the marquis of Dorset, and many other noblemen and prelates, and gentry of both sexes, to the number of four thousand persons and upwards. The interview, on the 7th of June, in the valley of Ardres, was uncommonly magnificent; the whole solemnity being regulated by Wolsey: On the 11th the tournaments began, scaffolds being erected for the spectators; both kings entered the lists, and exhibited great dexterity; but the honour of the field was won by the king of England: This exhibition ended, there were splendid feasts, balls, and masquerades; and such pomp and magnificence was displayed, that the place obtained the name of *Le Camp de Drap d'Or*, or The Field of Cloth of Gold:* The ceremony ended on the 24th of June, and Henry returned with his train to Calais. About this time the pope granted Wolsey a pension of 2000 ducats out of the bishopric of Placentia, and constituted him perpetual administrator of the See of Bajadox. This year an account was taken by Wolsey's order, of the number of parishes in England, when there appeared to be 9407 churches.

In the year 1521, at an assembly of the prelates and clergy at the cardinal's palace, the doctrines of Luther were discussed and solemnly condemned; and the pope's bull against those religious tenets was published: By proclamation, all the books touching this condemned heresy were ordered to be brought in, under pain of excommunication. Bishop Burnet seizes this matter, to support his former arguments, and prove, that Wolsey was afraid of the approaching reformation; and, to retard its progress, persecuted the sectaries: But it was assuredly otherwise; for his state and magnificence depended so much on the approbation of

* The Antiquarian Society have published two most elegant prints of the Embarkation and Interview, from ancient paintings in Windsor Castle, with historical descriptions of each print by John Topham, esq; and Sir Joseph Ayloffe, bart.—See the Archæologia, published by the Society, vol. iii. p. 185, and vol. vi. p. 179.

Shakespear in the first scene of the play of Henry VIII, introduces the duke of Norfolk giving a most pompous description of this interview to the duke of Buckingham.

the See of Rome, that he opposed whatever was in opposition to that See, not from principle, but interest. Bishop Burnet says, "All people were so sensible at this time of the corruptions, that "each motion towards a reformation was readily hearkened to "every where. Corruption was the common subject of complaint; "and in the commission given to those whom the king sent to "represent himself and his church, in the council of the Lateran, "the reformation of the head and members is mentioned, as that "which was expected from that council."

This year afforded another instance of Wolsey's thirst of revenge, in the impeachment and death of the duke of Buckingham, who was an enemy to his unbounded pride and arrogance.* The cardinal's leading features are seen in the transactions touching the king of England's mediation between the king of France and the emperor; wherein he stipulated, that the king of England and himself should be conservators of the several articles of the treaty he had propounded. Upon this part of the treaty, Rapin makes the following remark: "We have here a very sensible proof of "the cardinal's insolence, who, in a treaty drawn by himself, "presumed thus to set himself on a level with his master, by "being declared conservator with the king."—But as to the great engagements the cardinal entered into, they prove him to be without knowledge of the constitution, without any love of his country, and without truth to maintain the principles of honesty.

On Wolsey's return, he obtained the rich abbey of St Alban's *in commendam*; and also a bull to prolong his legatine authority for two years more, and to empower him to create fifty knights; an equal number of counts palatine, acolites, and chaplains, and forty apostolical notaries; to legitimate bastards, and grant the doctors degree in all the faculties, as well as dispensations of every class. The pope soon afterwards departed this life, and cardinal Adrian Florentius was elected; the emperor disposing of his interest against Wolsey, contrary to his engagements: This disappointment Wolsey met without any apparent chagrin, though the venom of resentment rankled secretly in his bosom. A rupture succeeding in a short time between England and France, the emperor desirous of maintaining his footing with king Henry, on the 26th of May, 1522, visited England, and was received by the cardinal with a magnificent retinue: On Whitsunday the cardinal celebrated high-mass at St. Paul's with all the pomp of a sovereign pontiff; dukes and others of the nobility of the first distinction holding water to him, the king and emperor being present. On this visit the emperor granted letters patent to

* Godwin's Annals of Henry VIII. p. 46, &c.

Wolsey for a pension of 9000 crowns of gold; and amongst other terms by which he endeavoured to conciliate and secure his future friendship, renewed his promises of interest for the papacy on the next vacancy.

In order to support the war which England had rushed into, the king, by the advice of his ministers, issued warrants to all sheriffs and constables, to number the people from the age of sixteen upwards, and specify the effects of individuals, that he might borrow a tenth of the laity, and a fourth of the clergy. Rapin says, "This made a great noise all over the kingdom, and "every one openly exclaimed against the cardinal as the author: "However, though at first he had given orders to exact loans "with the same rigour as if they had been a tax imposed by "parliament, he met with so many obstacles, that he was appre-"hensive of raising commotions in the kingdom, not to be appeased "at his pleasure; so that the tax was levied much more gently "than at first intended."

About this period, and perhaps on the preceding occasion, the king commanded the bishop of Durham to deliver him a state of the kingdom in general, but particularly of those matters which more especially related to the crown: He was esteemed a person well qualified for such a calculation, had been long in office, and knew the particular revenues of the king, and the sources from whence they were derived: By such knowledge, he was enabled to make a calculation of the income and revenues of the counties at large, and the respective manors therein, with the several fees and services wherewith each was charged; and could point out from whence resources in time of necessity might be derived. It is probable the enormity of church possessions was never so manifestly demonstrated as in this work, or perhaps never before struck the eye of a sovereign with so powerful an image. The reader will no doubt wonder that our prelate so long retained his influence at court: Wolsey could bear no competitor: To be of a judicious capacity, was offence sufficient to incur his dislike, and move him to projects for his avoidance. It is evident from the sequel, that the cardinal at this time entertained no good-will towards bishop Ruthall, but wished to be rid of him; for it is related, that our prelate obeyed the king's command, composed the account required in a fair hand, and bound it up in vellum. As he was thus employed at the king's instance to state the condition of the revenues of the kingdom, he thought of looking into the state of his own fortune, and got a second volume, bound in the same manner with the former; wherein he inserted an exact inventory of all his effects, both real and personal, not less in value than

one hundred thousand pounds sterling. The king sent to the bishop for the royal estimate, which his majesty was very impatient to see; but, by a fatal mistake, that containing the inventory of his own estates was delivered, instead of that composed by the king's order. Cardinal Wolsey instantly discovered the error, but nevertheless carried the book to the king, and told his majesty, with some sarcastical severity, that though he would not meet with the account he expected in that volume, yet he would know where to apply for money when he wanted. It does not appear the king took any advantage of this discovery; but when the bishop was informed of the error, his disappointment and grief overpowered him; he was seized with a mortal disease, and departed this life in London, on the 4th day of February 1522. Upon this incident the following remark occur:* "Whilst we "detest the treachery of the cardinal, we cannot afford much pity "to the bishop with his hundred thousand pounds. If he had "made a wise use of them, like archbishop Warham, who had "the honour and the glory to live and die poor, they would have "been beyond the reach of the king and cardinal:

"*Extra fortunam est quicquid donatur amicis*
"*Quas dederis solas semper habebis opes.*

"Even a pagan could say this."————It is evident from the sum our prelate amassed, that he had shared with the harpies of the times. The cardinal was the figuring character, the ostensible person in all public matters; whilst the old fox, with much cunning, had concealed himself under the cover of Wolsey's authority, and reaped a share of the plunder and spoils, without partaking of the odium of the world.

Bishop Ruthall was interred in St John's chapel, Westminister Abbey, with his effigy and this epitaph on his monument: Hic jacet Tho. Rowthall Episcopus Dunelm. et Regis Hen. VII. Secretarius, qui obiit 1524.† This date is erroneous, and proves that the monument was erected some time after the prelate's death. His being seized with mortal grief at the discovery of his riches to the king, whose disposition he knew, and the harpies of whose closet he was no stranger to, testifies the avarice which had engrossed his mind.‡

* Dr Jortin. † Wevers, Fun. Mon. 484.————Should be 1522.

‡ In the auditor's office. Ab. a° 1509——Compotus Hugonis Asshton cl. canc. & receptor gen'al scacc. Dun. a festo S. Mich. a'o p. Tho. primo usq. fest. S. Mich. p'x. sequen. a'o ejusd. Tho. sc'do scil. p. ann. integram.

Pensiones diversar. eccliar. e'po Dun. solut.

1.—viij *l.* rec. de pens. pr. Carliol p. eccl'ia de Corbrige & Whytty'gham solvend. ad fa. Pent. & S. Martinii equalit. infra tempus hujus comp'i accident.—*Sibi app'iat.*

Mr Noble, speaking of the mintage of bishop Ruthall, says,* "It is presumed we have this bishop's money both with the ini-

3 R

2.—xx *s.* de pr. de Hexham p. eccl'ia de Wardon p. ann. solvend. adeund. f'm Martini, &c.—*Sibi app'iat.*

3.—xiij *s.* iiij. *d.* de Pen. Abbis de Abbalanda (p. eccl'ia de Bolom p. ann. sol. ad f'm Mart. &c.——*Sibi app'iat.*

4. —xi *s.* de pen. eccl'ie de Symondeborne p. ann. sol. ad fe. p'dca.

5.—xx *s.* de pen. eccl'ie de Ovyngham p. ann. sol. ad fe. p'dca. *App. pr. & convent. de Hexham.*

6.—xiij *s.* iiij *d.* de pen. eccl'ie de Embeldon, p. ann. sol. ad t'min. Mart. *Emeldon app'iat. cl'icus Oxon. de Merton-hall.*

7.—xx *l.* de pen e'pi Carliol p. me'te eccl'ie S. Nichi in vi. Novo Castri sup. Tyna' p. ann. solv. ad fe. Pasc. & S. Mich. equaliter p. ann.

8.—xxvj *l.* xiij *s.* iv *d.* de pen. *(P'oris de Hextild p. eccl'ia)* de Stamfordham p. ann. solv. ad ead. fest. *(xxxiij* l. *vj s. viij* d.*)*

9.—xx *l.* de pr. Carliol p. alt'a me'te eccl'ie S. Nichi in Novo C. sup. Tyna' p. ann. sol. ad d'tam festa.

10.—liij *s.* iiij *d.* de pen. abb'tis de Alnewyk p. eccl'ia de Wollor p. ann. sol. ad ead. fa.

11.—xiij *s.* iiij *d.* de pen. R. de Hexham p. eccl'ia de Hauutuwesell p. ann. sol. ad ead. fe. *(Tynmouth p. eccl'ia de Hawtwisil. s. app'iatt.)*

12.—vj *s.* viij *d.* de pen. pr. de Hexham p. eccl'ia de Aldeston p. ann. sol. ad ead. fe. *(Si. app'iat.)*

13.—iij *s.* iiij *d.* de pen. capellor, Cantarie de Farneacres p. hospitili de Freresyd p. ann. ad ead. festa.

14.—xx *s.* de pen. (forte eccl'ie) de Benton, p. ann. sol. ad ead. fe. *(app'at cl'icis Oxon. del Baliol-hall.)*

15.—vj *s.* viij *d.* de pen. pr. de Brenkoborne pro eccl'ia de Horsely p. ann. sol. ad ead fe.

16.—vj *s.* viij *d.* de pen. priorisse dom. monial. N. C. sup. Tyna' p. hospitili S'i E'di Confessor. de Gateshead p. ann. sol. ad fe. p'd'ca. *(App'at. capel. D'ni regis de Wyndesor.)*

17.—iij *s.* iiij *d.* de pen. abb'tis de Coverham p. eccl'ia de Seham p. ann. sol. ad e. t.

18.—xl *s.* de pen. mag'ri & consortium eccl. collegiat. de Staynederop p. ann. sol. ad e. t.——Rand. MSS.

[N. B. The words in Italic are corrections in the record.]

The See vacant.

High sheriff,—Will. Bulmer, knt. oc. 18th Apr. 1509.

Temporal chancellor,—Robert Chambre, sede vac. Hen. VII.

John Carnon, cl. oc. custos magni sig. 18th Apr. 1509. Rot. B. Ruthall, N° 80.

Constable of the Castle,—Will. Lee.

Senescals,—Edm. Dudley, arm.——Rich. Harketh sen. oc. dep. 26th Nov. 1509.

Thomas Ruthall, dean of Sarum, counsellor and secretary to the king.

Designed bishop by Hen. VIII. 23d Apr. 1509

Consecrated ———

Made profession 24th Jun. 1509

Temporalities restored 3d July 1509.

Ob. 4th Feb. 1522.

Officers of the See during the time of Bishop Ruthall.

High-sheriffs,—Will. Bulmer, knt. ap. 19th Aug. 1509.—Rolland, Tempest, esq; under-sheriff, his annual fee 56*s.* 8*d.* a° 1, 2, 3, 4.—Anton. Brakenbury, under-sheriff, his fee 5 marks per ann. a° 5, 6.

* See plate of coins, letters MM. N° 1, 2.

" tial of the Christian and surname upon it, with the letter D " after the first and before the last.—N° I. has the legend CI- " VITAS DIRHAM, with the letters D. R. for *Dunelmensis*

Ra. Bowes, knt. ap. 7th Apr. 1516. Rot. Ruthall, N° 6.

Rog. Lomley, esq; ap. 8th Nov. 1516. Rot. N° 65.—John Lomley under-sheriff, a° 8, 9, 10.

Will. Eure, knt. ap. 21st Mar. 1518. Rot. N° 79.—Rich. Bellaces, under-sheriff, a° 10, 11.

Escheators,—John Perkynson, ap. 12th Jul. 1509; ob. 6th. Jan. 1518, leaving Richard his son and heir.

John Bentley, ap. 27th Jul. 1518.

Temporal chancellors and keepers of the great seal,—Hugo Asshton, cl. in decr. bac. ap. chancellor and keeper of the great seal and receiver-general during pleasure, 28th July, 1509, ap. apud man'iu' reg. de Grenewiche, oc. 19th Jul. 1502.—Preb. of Strenshall in York church, 31st May 1515; ob. 1522.—Archd. of Cornwall; adm. archd. of York 1516; Archd. of Winchester 1511.—In the north wall of the antich. of St John's in Camb. is a large tomb of archd. Assheton, and under it lies a skeleton neatly cut in marble, the first to shew us what he was, the latter what he is. His rebus is an ash out of a tun; and on a brass is this inscription:——[Cartar's Hist. of Cambridge, p. 273.]

" *Hic situs Hugo Asheton archidiaconus Eboracensis, qui ad Christianæ religionis augmentum socios duos ex Lancastria, totidemq. scholares, socium et scholare' Ebor. com. sociumq. et scholare' Dunelm. dioc. oriund. suis impensis pie. instituit, atq' singulis a se institutis, sociis co'suetu' socioru' stipendiu' solidis* 40 *annuis adauxit. Obiit n° calend. Decemb. ann.* 1522."

Tho. Kay in legibus bac. keeper of the great seal at Durham, oc. 9th Apr. 1511.—Rev. pater Rob'tus Abbas de Selby, oc. custos mag. sigilli ap. Dun. 2nd Oct. 1516. Rot. AA. Ruth. N° 29, 63.

Will. Frankleyn, ch. ap. chanc. and keeper of the great seal, and receiver-general during pleasure, 10th Jul. 1514. Ibid. Rot N° 68.

John Withers. L. Gray, sed. 9.

Constables of the castle,—Will. Lee, oc. a° 1°.

Ric. Rowthale p'carius amicus & frater & præ aliis p'dilectus e'pi, ap. for life 20th Aug. 1511.

Senescals,—Edm. Dudley, arm. an infamous tool under Henry VII, in oppressing the people; beheaded 17th August 1510.

Tho. Tempest, esq; oc. 2d Dec. 1510; again 14th Nov. 1511. Copyh. Book, K. p. 189, 242.

Will. Frankelyn, cl. thesaurarius e'pi & Joh. Perkynson, ap. jointly during pleasure commissioners to hold the halmot courts, dated at London 10th July a° 1515. Rot. AA. Ruth N° 58; oc. Mar. 6th, 1515, the last time commissioners.

Tho. Tempest, esq; oc. 24th Nov. 1516. (Copyh. Book, K. p. 426.) again 20th Oct. 1522. Copyh. Book, K. p. 546.

[N. B. Ric'us Hesketh, oc 26th Nov. 1509. Copyh. Book, K,—H. Asshton, cl. canc. occupans locu' cap. senesc. oc. 22d Apr. 1510. Ib. p. 167.——Cotome Mundvile, cur. tent. 24th Aug. 1511. No steward named, p. 139.—Tho. Key cl. supervisor e'pi, oc. 26th Feb. 1512, p. 243.—Will. Hilton, arm. occupans locu' cap. sen. oc. 14th Feb. 1512, p. 249.—H. Asshton, cl. canc. occup. locum cap. sen. oc. 22d July 1513, p. 271.—Will. Frankelyn, cl. occu. loc. cap. sen. oc. 14 Feb. 1513, p. 275. Joh. Bentley oc. cap. sen. 12th Jul. 1514, p. 291. (A leaf wanting, viz. 241, 242.)—Joh. Perkynson, esq; occu. loc. cap. sen. 26th Oct. 1515, p. 343.—Will. Frankelyn, cl. thesaur. e'pi, & Joh. Perkynson, escaetor, ap. commissionar. Jul. 10th, 1515; oc. 25th Feb. 1515, p. 389; 6th Mar. 1515, p. 403.

Attorney-general,—John Bentley, fee 100*s*. ap. during pleasure, 12th Mar. John Ernly. Randal's MSS.

" Ruthall, on each side below the bars of the cross that quarter " the shield of arms, being the first time we see them there; over " the shield is a large mitre.—N° 2. has this epigraphe, CIVI- " TAS DVRHAM, with T. D. for Thomas *Dunelmensis*, placed " over the arms, which is the only instance we have of any initial " letters being put there. The mint-mark is a fleur-de-lis; there " is also a fleur-de-lis on each side of the arms of the chair upon " the obverse. Some have the fleur-de-lis at the beginning and " end of the legend upon the first side. As this bishop and Wolsey " were both pastors of this See, and had the same Christian name, " it may be disputed whether this last sort may not as well belong to " Wolsey as to him, particularly as the former was also bishop " of Durham before the 18th year of this reign: This objection, " however, will, it is hoped, be removed when we come to speak " of the cardinal's money.*

* This indenture made betwixt the reverend fader in God Thomas by the grace of God bisshop of Duresme on that one p'tie and Roger Richardson of Duresme on that other p'tie, Witnesseth that the said reverend fader granteth and by this in'dre hath made ordeined and established the foresaid Roger, master and workman of his money of silver in his palace of Duresme aforesaid To have hold and ocupye by hym or his sufficient depute from the feast of St Martin in winter next coming after the date hereof unto the end and term of seven years then next ensuing. And the said Roger hath undertaken to the aforesaid reverend fadir to make the same money under the sort and form following (that is to say) to make the penny called the sterling in the number of pound Troye *cccciiij.*xx pieces in the pound weight and the money shall be in fineness according to the silver money of our sovereign lord the king made in his mint within the Toure of London, that is to say, the pound weight of the said money shall hold and be 11 ounces and 2 pennyweight of fine silver, and 18 penny-weight of allay which is the right standerd of the money of England ' And the said reverend fadir granteth to the said Roger like remedyes in every pound weight in weight and in allay as the king granteth unto the masters and workers of his money within the Towre aforesaid, that is to say, 2d weight in the weight of every pound, and *ij*d. weight in the allay above the standerd or under *ij*d. weight in bothe and that of all such moneys that the said Roger shall make within the mint aforesaid Itt shall be lawfull for the chancelour of the said bishoprick for time being comptroller of the same mynt to take up of every pound weight of silver 1d. which money so taken shall be put in a bagg afore the said Roger and the same bagg put in a co'fre with 2 locks of the which one key shall remain with the said comptroller and the other with the foresaid Roger. And furthermore the same Roger Richardson granteth and covenanteth that the foresaid money by him made shall be well and perfectly printed coined and fair fashioned with a privy mark in the print such as the said bishop shall appoint so that it may be evidently known from other money counterfet. Also the same Roger granteth by these presents to save defend and save harmless the foresaid reverend father against our sovereign lord the king and the merchant or merchants for all money that is brought to the said mint to be coined; provided always that the foresaid reverend fadir shall find coining irons and them deliver within the said mynt of Duresme at the costs and charges of the said Roger Richardson. And also the said reverend father shall provide the said Roger of workmen from the Towre of London at all times when the said Roger shall nede them. And the said Roger to content and pay for the same mint yearly during the said time 10 pounds within the chancery of Duresme (that is to say) at Whitsuntide and Martinmas by even portions for the which and all other he premisses aforesaid duly and effectually to be kept and performed in every part

On the 16th day of February, 1522, the month in which bishop Ruthall died, the cardinal was nominated guardian of the temporalities of this See, and in the same month appointed thereto, resigning on that occasion the bishopric of Bath and Wells; and he received restitution of the temporalities on the 30th day of April 1523.*

The cardinal's possessing all the ecclesiastical dignities before noted at one time, is an unparalleled instance, an enormity that must have inspired every observer with condemnation.

On the pope's death, our cardinal's ambition was again disappointed, Clement the Seventh being elected. He was now convinced of the emperor's insincerity, and saw, that he had been playing on his passions, but covered his resentment with a smile. In consequence of congratulations to the pope elect, he obtained, in 1524, a grant of the legatine power for life, a thing unprecedented.

At this time the king of England was charged with suffering his wardens and officers on the borders to aid the rebels and outlaws of Scotland, "inciting them to the contempt of their sove-"reign lord's authority; riding with convocations of thieves, trai-"tors, and murderers, their accomplices, so many as they might "be, and as far within the land as they durst, robbing, spoiling,

by the said Roger Richardson with master John Batmonsoy doctor of laws Ralph Radcliff of Tunstall esquire Robert Blount of Dunelm merchant and John Richardson of Duresme dyer bindeth themselves by an obligation bearing date 1. October II. Hen. VIII. in 200l. to be paid to the foresaid reverend father or his assigns as in the said obligation more plainly doth appear if any part or parcell of the foresaid covenants be by the said Roger Richardson broken or not observed as is before specified In witness &c. 1 October II. Hen. VIII. 1511.

* W. de Chambre.—Angl. Sac. p. 782.—Rot. Tho. Card. A. N° 1.—H. Octavus, d. g. &c. Sciatis, q'd cu. epat. D. p. mortem bone memorie Tho. nup. e'pi ib'm vacav'it, & modo vacans existat, nos de gr'a n'ra sp'ali, &c. ded. & concessimus, &c. rev'endissimo in Xr'o p'ri Tho. &c. custodiam d'c'i e'patus Dun. ac o'iu. t'p'alium ejusd. necnon o'iu. castror. d'inor. man'ior. terrar. ten. reddit. servicior. porco'um, pensionu. annuitat. & aliar. &c. concessimus etiam, &c. o'ia & o'i'od. feod. milit. s'vicia, warda, maritagia, & custodiam o'iu. ho'ium quor'cumque. &c. Et insup. concedimus pref. &c. plena. pot. & auct. no'i'andi, faciendi, & constituendi canc. justic. vic. escaetores, coronatores, sen'los, ballivos, ac o'es & sig'los min. alios officiarios, &c. quoad exercenda regalia ib'm eid. e'patu ab antiquo debit & pertin. adeo libere, plene, & integre p'ut p'f. Tho. &c. aut aliquis al. predec. suis, &c. concessim. etiam. &c. o'i'od advocac'o'es, donac'o'es, p'sentac'o'es, &c. Et ult'ius, &c. ded. & concess. &c. o'ia & sig'la exitus firmas redditus, &c. habend. &c. ad usu. p'priu. &c. absq. comp'o. aut aliquo alio nob. inde reddend. vel faciend. &c——Randal's MSS.

Commissio Pacis. Justices,—Sir Tho. Dacre lord Dacre, John lord Lumley, Wm Dacre lord Greystock, the Prior of Durham, A. Fitzherbert justic. de C. B. John Port serj. at law, the Temporal Chancellor, Sir Wm Hilton, Sir Wm Eure, Tho. Strangways, Tho. Tempest, and John Bentley. Dat. 18 Julij. a'o 1°.—Rudd's MSS.

Commission of Array. Rot. F. Com'issio ducis Somerset protectoris Henrico-d'no Nevil comit. Westm. de levand & arraiand. homines infra e'pat. Dun. & com. Northumb.———Bp. Crew's MSS. fol. 73.

" and overthrowing the true lieges of the realm at their power*." The lord Dacres, warden of the west march, had entered Scotland with a plundering party, who committed great enormities, having destroyed Kelsoe, with eighty villages, and overthrown eighteen towers of stone, with all their works: Add to these, that the king of England had ordered all the Scots in his dominions to be imprisoned, and their effects seized, after which they were ordered to be branded with a cross, and sent home†. Notwithstanding all these outrages, and great preparations for war being made by both nations, nothing effectual was done on either side; a treaty was set on foot for a pacification, but broke up without bringing matters to a conclusion, and the spring of the year 1523 was again busy with movements, on the part of England, to carry on a war under the conduct of the earl of Surry. The marquis of Dorset was appointed warden of the east and middle march, with Sir William Bulmer his lieutenant for the east, and Sir William Eures for the middle march. The Scots laid siege to the castle of Wark, but were not able to take it; and the English army contented themselves with defending the borders, without carrying their arms into the enemy's country. Several short truces took place, and a treaty of peace for three years was at length concluded on the 10th of March 1526: In the commission for this negociation, Sir William Bulmer is one.

In 1525 the cardinal was employed in taking measures, which, though of little note in themselves, were big with example, and led to future events of the most momentous consequence. He laid the first stone of a magnificent structure at Oxford, which he designed should bear the name of Cardinal College: In order to carry on this costly undertaking, he did not open his overburthened coffers, or withdraw any thing from his luxuries and the expence of his magnificence, but procured the dissolution of the priory of St. Frideswide at Oxford, which being surrendered into the king's hands, his majesty immediately granted the same to the cardinal for the purposes of this erection, and he obtained a bull from the pope to confirm what was done. It is not said that this dissolution took place in consequence of the cardinal's visitorial authority, from any vices or irregularities committed there by the members of the priory, or for any other religious cause, but appears to have been affected merely to supply this exigence. Wolsey was an adventurous financier, but not strenuous in the cause of religion, otherwise than in maintaining the authority of the See of Rome: This example might be a political trial, what effect would arise thereby, and how similar acts

* Rymer, vol. xiii. p. 515. † Hall.

would be received. The king had studied divinity, and was a disputant on tenets of religion with Luther, having written a book of controversy, for the merit of which the pope and holy college granted him the distinguished title of *Defender of the Faith.* It seems from thence, that at the outset the king was a strenuous maintainer of the church. On various exigencies arising not only in the state, but by unbounded expences in diversions, feasting, gamings, and public shews, some extraordinary method was to be devised to raise supplies. Thus many writers have argued; and from thence deduced a supposition, that the dissolution of religious houses was the consequence; the effect of the king's vices, and not of any regard to the state, or the correction and reformation of the church. But be it as it will, the cardinal seems to have been merely an involuntary agent, directed from narrow purposes and views, to lead on the momentous event.—Having succeeded in the first attempt, he now ventured to procure the dissolution of several small monastries, situated in different parts of England, in order to apply the revenues to the maintenance of his new foundation. The alarm occasioned by this throughout the kingdom was great, and though reformation was the language of multitudes, though politicians of judgment saw the necessity there was to check the growth of religious foundations, and the doctrines of Luther secretly gained ground with those men who gave their minds a turn to think deeply, and withdrew themselves from the luxurious enjoyments which had crept into public manners. Yet Wolsey's attack was not received with any countenance; on the contrary, the popular clamours reached the king's ear, and the tumult surrounded him whenever he appeared in public. His majesty on this occasion wrote a letter to the cardinal full of reprehension*; and Wolsey, to regain the king's favour, and remove any disadvantageous impressions, made him a present of his magnificent palace at Hampton-Court, and took an opportunity of acquainting him with the tenor of his will, in which he had bequeathed to him all his riches.

In a succeeding treaty made with France, it appears the cardinal secretly exercised his resentment against the emperor, by the terms then entered into by England.——In 1526, the king granted a power to the cardinal, to alter the value of the current coin of the kingdom; and he erected two provincial mints, one at York, and another at Durham; but of this hereafter.——In 1527, the king made several earnest applications to be divorced from queen Catherine. He was become enamoured of Anne Boleyn, one of

* Herbert, p. 67—Rapin, &c.

the queen's maids of honour, who was at that time addressed by lord Percy, son to the earl of Northumberland, then in Wolsey's household, to whom she was much attached: But to serve the king's humour, Wolsey used his influence to break off the connection; and then laid the foundation in her heart, by the bitterness of disappointed love, for the hatred she entertained for the cardinal, which in the end wrought his ruin. In the summer of this year, Wolsey was appointed ambassador to France: His chief attendants were, Dr. Tunstall, then bishop of London; the earl of Derby; lord Sands; Dr. John Taylor, master of the rolls; Sir Thos. More, and Garter king of arms; with a splendid train of knights, gentlemen, and attendants, to the number of twelve hundred. Cavendish gives an account of the order of his cavalcade. When Wolsey arrived at Calais, he delivered the great seal into the custody of the master of the rolls, till his return to that city. Cavendish gives a full account of the interview and negociation, in which a treaty of amity was concluded. The third article in this treaty tended to increase Wolsey's pride and power; the pope was then a prisoner to the prince of Orange, an ally of the emperor, and it was thereby stipulated, that the powers of England and France should never consent to the convocation of a general council during his holiness' captivity, and that they would receive no bull, brief, or mandate from him, until he regained his liberty; but in the mean time every thing should be punctually executed in England, which was determined by the cardinal legate with the concurrence of the clergy. It is said, Wolsey made attempts to get his legatine power extended to France and Germany, but did not succeed. On the above embassy, he received great presents both from the king of France and his mother, arrived in England on the 30th of September, and was graciously received by the king, who ordered a public thanksgiving for the success of his negociation. Collier says, "And here the lord Herbert observes, the king's fancy began, "of being head of the church and clergy; and that the first im- "pressions of this kind were received from the cardinal; of "whom, likewise, this noble historian reports, the king took the "hint for the dissolution of monastries*."

In the year 1528, on the death of Fox bishop of Winchester, the cardinal was translated to that See, and resigned the bishopric of Durham.

No public edifice within this palatinate was erected by the cardinal, save some reparations made to the south end of Tyne-

* Collier, vol. ii. p. 23.

Bridge. It appears by the letter given in the notes,* that some neglect of the palatine rights had taken place during Wolsey's

* Please it your grace to be advertised that ther be thre cole pytts at a township of yours callid Whikam thre mylis from New castell where be allredy gotyn a gret substance of colis to the nombre of 25 score kele, every kele contayning 20 chald' for the whiche colis I have taken such ordre withe fermers of the same that your grace maye have clearly fyve hundreth marks your rent accustomyd and all other chargis borne so that we may shippe the said colis on the bishopriche syde accordingly to the liberties and privilegis heretofor grauntyd, as may evidently apere by dyvers exemplifications and confirmations aswele remayning in the exchecor of Duresme place at London the copy oon exemplification remayning in your exchecor here is hereinclosid if it wold please your grace that at this present p'liament a new confirmation may be obtayned of all maner petytions made by your p'decessors bishoppis of Duresme in divers p'liaments of the king's noble progenitours and ther grauntyd & enacted. And also all maner of graunts & confirmations of liberties made & grauntyd by any of the king's noble p'genitours the copies wherof at large apperethe in oon exemplification under the brode seal of king Henry 8th remaynyng in a newe coffer with other munyments at Duresme place in London. And that it may be enactyd your grace and your successours to have and enjoy all maner of liberties p'rogatives regalities profetts commodities eschetis and forfeytures of werre aswele by lond as see within the bishopriche of Duresme betwyx the waters of Tyne & Tease Creke Bedlyngton Norham & Eland sheris in as ample forme & maner as the kings grace hathe ells where within any p'te of this realme if all theis liberties were newly confermyd and enactyd in a generalitie at this p'liament than your grace myght the better putt your privilege of shipping in execution I wold thynke it good to have no maner of open speche but in a generalite of shipping ne of any other thynge unto tyme your libertyes wer confermyd by an act of parliament then incontynently after to execute the same, the merchaunts of New castell wil be lothe t'aplie thereunto howbeit your privilegis & graunts be clere inow & it is no reason that they shuld enforce your grace to sell your colis only unto theym at their own prices & they to utter the same ayen at their own libertie bothe to Englishmen and straungers at prises onreasonable as they have done heretofore. And sewerly the shipping of colis on the bishopriche syde shuld be much beneficiall & p'fitable to all this realme for than the merchaunts of New castell and other wold make cost and labor to get moo cole pytts going in Northumberland wherby gret plety of colis and so by reson of this gret habundance on bothe sydis this & other realmes myghte be mych better servid & esiare pricis if your grace will stik to your liberties (as in conscience your grace is bounde to do) the bishopriche wil be better than it is by a 1000 marks a yere only in cole and led. And after your liberties be enacted and confermyd your grace maye straight waye by writ of restitution entre possession in Hartlepole whiche with membris is worthe two hundrethe marks a yere of standyng rents besides casualties. The recoveryng and fortyfieng of that haven towne shuld be a gret profett & strenkithe to all the bishopriche refuge to our English shippis & myghte do many displesurs to the kings enemies for which purpose it is thoght to stand best of any haven towne in England the p'missis wold be remembered at this p'sent p'liament or ells your grace shall lese many commodities and profetts.

The * dean of Akeland I understand intendithe to offer his service to your grace but sewerly if your grace knew his seditsious unkynd and contemptuous demeynor towards my lord that ded is & his officers from tyme to tyme ever synes my said lord p'motid hym at request of my †lord of Wynchester I trust your grace would not accept his service my lord was fully determyned if he had lyved to have had hym before your grace for his sedisious demeynor used & doon aswele in open presence of all the clergie at Duresme as also privatly when the prest money was requyred of the said clergie for the kynges highnes p'te of the said sedisious speche I have wryting whiche your grace shall see under a notarie signe subscribid with the hands of Mr Wardale your commissarie Mr Wytham dean Darnton and Mr Folbury master of your gramer

* William Strangways. † Dr. John Fox.

time, and that Frankeleyn, then temporal chancellor, who had been receiver for Bishop Ruthall, understanding the gainful

scole at Duresme whiche be right honest and substantiall men byfore the dean began to reply against the prest all the clergie were wele contentyd but after they hard hym speke dyvers began to alter refusing to take theyr othe a longe season in so myche that it hyndred the collectors a hundrethe pownds at lest. And albeit the said dean deservid gret punyshement for his misdemeynor in that bihalfe yet his act and dealyng was not farre diserepant from his own nature and keynde for his fadir grandsir & all other of his progenie wer Scottishemen borne and wheder he be so or not I stand in dowte byfore his comyng to Akeland it was the best servid college in the northe p'ties & nowe he hathe fownde the meanys to make it the worst servid of all other if he be wele hendled for makyng this impediment of the kings prest money & for his hontyng in your p'ke at Akeland taking awaye of tymber and buk in my lords tyme for all whiche causes he standithe indytid he wold rendre unto your grace 5 or 600*l.* for a fyne he hathe gret substance & if your grace take not p'te therof (as your grace hathe good cause & occasion to do the premisses considered) I thinke fewe Englishemen shall fare the better by hit. Your grace shall see a letter of my lords own hand wherein p'te of the said dean is demeynour is declared & also what my lord was determyned to have doon for his punyshement.

I have a frende in Bedfordshyre callyd Sir William Gascoigne knight whiche for his wisdome gravitie and other qualities I thinke hathe few fellowis within this realme whom I am miche desirous to have retayned towards yours grace & if it be your plesure to have hym I suppose at my comyng I cowde p'swade hym to be wele contentid to do your grace service in your house or wheresoever it shuld be your plesure to command hym in myen opynioun he should do your grace good and p'ferhable service in your howse if som convenient rome were commyttyd to him for he is a right politique man.

And if your grace cowde be contentyd to let Mr Hogill your stewarde to be chaunceler of the bishopriche & I to be your survayor of Yorkshire & of the bishopriche I wold trust to do your grace marvilus good service for then shuld be no led mynde gresse grown cole pytts nor other but the same shuld be put to the most advantage & so by reason of your colis led & the said gresse grownds meanys myght be made that your grace shud not deburce owt of your coffers very myche monye no yere for whete malt wyne wax spyces bevis motons & your servaunts lyveryes. The chauncelership is miche better in every behalf than the other rome is & in profyt by 40 or 50 marks a yere but the cause moving me to make this overture is this I am yonge inow & maye take payne & labour being of full myend to applie my self to do your grace the most honour plesure & service that may lie in my power being your general survayour my contynuall & daily deligence shuld be to viset and survaye all your lands which can not be doon without gret and contynuall labour and that not doon gret losse & dekeye shall ensue meny ways I p'rsayve ther be dyvers siche led myndes in Yorkshire & p'te of the same your own wherof little advantage comythe for defawte of policie & labor in serching the said myends. On Monday last I sent the fyners to Fowntance abby & other places ther abowts in Yorkshire where led is And likewise I sent another man to your own led myends in Werdale & Hexamshire secretly to view the myends & to brynge from every of them a quantitie of led to thentent we may trie whiche we woll yeld most silver & than of the best to get as myche as we can for fynyng.

Ther is maner place bilonging to the see of Duresme callid Wele hall standing uppon the water of Oose mylis from Yorke & 2 mylis from Cawood wher is gret plentie of woode of your owne which may be brought to Welehall by water with little charge & lykewise led ther wold I lye very myche to make preparation for fyning for that place is best & most convenient for that purpose bothe for plentie of woode & also for that led maye be conveyed thither by water from Yorke & divers other placis

privileges of the bishop, urged their due exercise. This letter shews, that the collieries of Whyckham were then leased out by

I can be wele contentyd at myen own cost & charge without puttyng your grace to any peny cost every yere to brynge up all your receitts aswele of the bishopriche as of the see of Yorke and evermore whan it shal be requysyte I shall resorte to Duresme to assist your officer ther & for loking to your profetts in suche wise as your grace shal be substantially truly and wele servid And your said officer to have the name & p'fett of the chauncellership without taking any gret peyne or labour he maye lye in thabby of Duresme like wise as Mr Ashton I & other did at our fyrst comyng thider And the priour who is very honorable & good wol be glad to assiste & joyne with hym in doing your grace service to the best of his power as knowt' almytigh God who evermore preserve your grace wretyn at Duresme this Saturdaye in Ester weke

By your most humble Servaunt W. FRANKELEYN.*

After wryting of this l're I remembered me to have seen certayne munyments at Duresme place in London which be necessarie to be had at this p'sent p'liament & especially oon bill of restitution signed by king Edward at the labour & contemplation of my lord Laurence than bishop of Duresme my Lord God p'don his sowll leit me see the said bill & I remembre wele the boxe where he leyd it And for asmoche as it is necessarie the same bill to be had at this tyme and for that p'case hard it wold be for any other to fyend it shortly being small & lyeng among so mayne wrytynges as it doith I thoght it very expedient to com up my selfe for delyvery aswele therof as of other munyments whiche tendithe and makith it for the purpose afore rehersed & also by cause ther is no recowree hider of strangers to see if I can sell your colis all redy gotyn to sum merchaunts of London as I dowt not to do & at good pric's so that we maye have shipping on the bishopriche syde as of right we aught to have And so to morowe I intend to take my jurnaye upwards and on Fryday at farrest to be at London. At my last being at London I spake to a frende to provyde me silver for coyning at Duresme and on Good Fryday I received a l're from hym wherby I p'ceive that I shall have of hym every yere 1200*l.* of silver which wil be very profettable bothe to your grace & also to all the cuntrie i intend to bringe downe with me from London as miche silver as I can get & 2 or 3 moo coynars & also we must have many moo coyning yrons for I received but 24 from Mr Tonyes which yrons will endure but a litell space if we have plentie of silver & workmen as I trust to have I beseche your grace to give me lysaunce to constitute a prokter for the convocation & that I maye be shortly dispachied whom ward agen.

Cardinal Wolsey's patent, constituting William Thomlyngson then keeper of Gateshead park, and Thomas Thomlyngson, his son, clerk of the mines belonging to the bishopric of Durham, 1529.

Thomas, miseratione divina tituli S. Ceciliæ S. S. Romanæ ecclesiæ presbyter, cardinalis, Ebor. archiepiscopus, apostolicæ sedis tam natus quam etiam de latere legatus, Angliæ primas et cancellarius, ac ecclesiæ cathedralis Dunelm. episcopus; omnibus ad quos præsentes literæ nostræ prevenerint, salutem. Sciatis, quod nos de gratia nostra speciali, ac pro bono et laudabili servitio quod dilectus serviens noster Willielmus Thomlyngson de Gatished nobis hactenus impendit, et in futurum nobis et successoribus nostris ac ecclesiæ Dunelm. fideliter impendet, ordinamus et constituimus ipsum Willielmum Thomlyngson et Thomam Thomlyngson ipsius filium naturalam clericum omnium minerarum nostrarum tam plumbi et ferri quam carbonum existentium in quibuscunque locis infra dominia nostra episcopatus Dunel. nec non

* William Frankeleyn, B. D. was rector of Houghton-le-Spring, and archdeacon and temporal-chancellor of Durham. In 1536, made dean of Windsor; and about the same time, rector of Chalfonte, in the county of Bucks. In 1545, being master of Kypier hospital, near Durham, he surrendered the same into the king's hands, as he did great part of the revenues of Windsor deanry; for which being complained of, in 1553 he was forced to quit his deanry, but kept his other preferments; and dying about January, 1555, was probably buried at St Giles's, Chalfonte.

the bishop, for a rent proportionable to the quantity won, so that it must have arose by measure: Also that the merchants of Newcastle had obstructed the navigation of Tyne, and hindered the shipping of coals from the keys of Gateshead, by which means they monopolised that commodity, buying the coals at their own price, and selling them to the public at an enormous advance.—It also appears, that Hartlepool was not then in the power of the bishop, for he recommends it to the cardinal to recover that haven by writ of restitution, and fortify the same, as being then the best haven town in England*. The cardinal bishop in the year

officium clerici minerarum prædictarum eisdem Willielmo et Thomæ conjunctim et divisim damus et concedimus per præsentes; habendum, exercendum, et occupandum officium illud per scipsos aut eorum sufficientum deputatum. pro quo nobis et successoribus nostris respondere voluerint, durante termino vitæ eorundum et alterius eorum diutius viventis, percipiendo annuatim in eodem officio de nobis et successoribus nostris durante termino vitæ eorundum officio de nobis et successoribus nostris durante termino vitæ eorundum Willielmi et Thomæ, et alterius eorum diutius viventis, decem marcas monetæ Angliæ ad festum S. Michaelis archangeli, ad scaccarium nostrum Dunelm. per manus receptoris nostri generalis pro tempore existentis solvendas: Nec non damus et concedimus eisdem Willielmo et Thomæ et eorun. alteri viventi, unam celdram carbonum de qualibet minera carbonum nobis et successoribus nostris pertinente infra dominia nostra de Gatished, Whikeham, et Lynne-dean dietim solvendam et deliberandam; una cum omnibus aliis proficuis, commoditatibus, rectitudinibus, custubus, et expensis eidem officio ab antiquo debitis et consuetis, ac in tam amplioribus modo et forma prout aliquis clericus in officio illo ante hæc tempora habuit et receipt, seu habere et percipere consuevit. Damus autem universis et singulis ballivis, firmariis, et ministris nostris, et successorum nostrorum omnium minerarum nostrarum prædictarum firmiter in mandatis, quatenus prefatis Willielmo et Thomæ et eorum alteri in faciendo, exercendo, et occupando officium prædictum sint intendentes, obedientes, et auxiliantes prout decet. In cujus rei testimonium has literas nostris fieri fecimus patentes. Teste Willielmo Frankeleyne clerico cancellario nostro apud Dunelm. primo die mensis Octobris anno pontificatus nostri sexto, anno Domini 1529.

* Ab. a° 1525. Comp'us Will'mi Frankelyn cl. recep general scacc. Dun. a f'o S. Mich. a° p. Tho. cardinalis, &c. primo sc. p. un. ann. integru. V. auditor's office.

1.—cxxxix*l.* vs. viij*d.* Rec. de Joh'e Lumley d'no Lumley mag'ro forestario de exitibus officii sui hoc anno. P. ann. vj *l.* xiij *s.* iiij *d.*

2.—lxxv *l.* ij *s.* x *d.* ob. rec. de Will'o Eure mil. esc. d'ni infra com. D. & Sadbergie. De ex. officii sui hoc anno.

3.—viij *l.* x *s.* ij *d.* rec. de Will. Bulm. mil. vic. com. Dun. hoc a°.

4.—xxxi *l.* xvj *s.* viij *d.* rec. de offic. sequestratoris de W° Clyfton. cl.

5.—vij *l.* x *s.* rec. de Hugone Whitched pr. Dun. & sociis suis, &c.

6.—vij *l.* vj. *s.* viij *d.* rec. de Will. Lawcroke capello deput. W. Bulm. sen. mil. rec. de Norham, &c.

Feoda & vadia,

Will'i Frankeleyn cl. canc. Dun.	26	13	4
Tho. Tempest, mil. cap. sen. inf. epat. Dun.	20	0	0
Ric'i Rouwthall, constab. castri Dun.	13	6	8
Joh. Metkalf, auditor e'pi p l'ras pat. Ric'i p. vita conces. ...	20	0	0
Joh'is Bentley, attorn. D'n'i e'pi.	5	0	0
Ch. Broune, subsen. epat. Dun. p. l'ras pat. Cristoferi p. t'io vill. concess. confirmac. pr. & capit. obtent.	3	6	8
Rob. Smethurst, custod. gaole, Dun.	2	13	4

1526 issued his commission, with the king's instructions annexed, for arraying ships in the ports of the county palatine, to attend and serve under the king's admiral in the north seas.

Barth'i Langefforde cantatoris col. de Aukland ac mag'ri scol. ib.	2	0	0
Will'i Bolm' mil. vic. com. Dun.	10	0	0
Ric'i Bellaceys ball'i de Stoketon l'ras pat. Tho. Card. concess. conf. pr. & cap. Dun. obtent.	6	13	4
Joh'is Gower ball'i burgi Dun. p. l'ras pat. Tho Card. p. v. ..	6	13	4
Ric'i Perkynson cor. warde de Derlington	6	13	4
Will'i Bukton (Eure a° 2°) cor. warde de Chestre.	4	0	0
Joh'is Fethirstanehalgh ball'i de Stanehop	2	0	0
Annuitattes,			
Will'i Coke xl *s.* & Geo. Fowbery xl *s.* capellor Cant. T. Langley e'pi Dun.	4	0	0
Rad'i Swalwell capelli Cant. *S.* Jacobi in Derlyngton ...	3	0	0
Capelli Cant. in Cotom Moundevile p. salario suo	3	0	0
Will Bulm' mil. vic. Dun. ult. antiquu' F. alloc. int. feod. ...	10	0	0
Comp'us W. Frankeleyne cl. rec. gen. ab a° 1527, ad an. 1525.			
Will. Bolm' mil. capitaneus castri de Norham, &c.			
Tho. Sotheron cantator coll. de Auckland ac m'r scholaru. ...	2	0	0
Comp. W. Frankeleyne rec. gen. ab. a° 1527, ad a° 1528.			
W. Strangeweys sequestrator.—W. Eure mil. cor. warde de Chestre.			
Comp. Hug. Asshton cl. & W. Frankeleyne rec. gen'ale a° 6°			

Officium sequestratoris vij *l.* iij *s.* iiij *d.* recept. de Chr'o Werdale cl. com'issar cur. sp'ualitatis Dun. de exit offic. sui. hoc. a°.

Feo. Will. Herryson cap. cantarie col. de Auckland & mag'rischolar. ad 40*s.* p. ann.

Et in Feod. Antonij Brakenbury subvic. com. Dun. ad 5 marc p. ann. nichil.

Tho. Key cl. vic. gen. d'ni e'pi inf. e'pat. Dun. p. ip'm recept de offic. sequestr. de a° 4°, ix°—ab. a° 5° vj *m.*

Will. Eure mil. cor. warde Chestre.—Tho. Coston cor. warde de Esyngton.

Will. Strangeways, cl. sequestr.

Geo. Conyers, fil. et he's Thome C. mil: defuncti de Sockburne a minor.

In annuitate cap. cantarie S. Jacobi.

Capital. sen'li vac.

Will. Lee, constab. castri Dun. ad xx m'cas p. ann. p. l'ras pat. p. t'i'o vite concess. 13 6 8

Humfredo Conynsby et Will'o Farefax, capit justic. D'n'i e'pi ad assiz.

Joh'i Metkalf, auditor D'n'i ad xx *l.* p. ann ut patet p. l'ras e'pi pat. et dem. Joh'i confect. p. termino vitæ.

Will'i Smethehurst, cust. goale Dun. ad liij*s.* iiij*d.* p. ann.

Joh. Etton, cantator col. de Auckl. et mag. scolar. ib. p. sal, 40 *s.*

Capellus cantarie de Cotom Mondeville 40*s.* p. ann.

Will'i Bulmer, mil. v. Dun. xl. p. ann.

T. Tempest, subvic com. Dun.

Joh'is Buk, sup'vis o'ium min. carbonum, 3*l.* 6*s.* 8*d.* p. ann.——Randal's MSS.

A Writ out of the Chancery of Durham in the nature of a recognizance to keep the peace. Rot. Tho. Card. sed. vac.

Henricus Octavus, d. g. Temporalibus e'patus Dunelm. in manibus n'ris existentibus sede episcopali ibidem vacante. Willielmo Killynghall de Middilton, &c. Thomæ Harrison de Traffordhill et Thomæ Makeney de Newsom et eorum cuilibet salutem. Quia datum est nobis intelligi quod diverse dissentiones et discordia inter vos et Edwardum Uggilthorp de Newsom gen. nup. exact. jam pendentes existunt, vobis et ustrisq. vestrum mandamus, &c. sub pœna centum librarum, quod vos servientesq. vestri ac tenentes ex parte vestra pacem nostram versus dictum Edw. servientesq. tenentes suos usq. prox. assis. & goale deliberationem tenendas apud Dunelm. observetis et quilibet vestrum observit: Ita quod nullum damnum vel malum corporale

In the 14th and 15th years of Henry VIII, (1522 and 1523) an act of parliament was made touching the coinage, entitled,

in læsitionem pacis n'ræ aliquo modo cadere valeat præfato Edw'o. servientibusq. tenentibus suis nec in personis aut rebus suis, per procurationem seu excitationem vestras seu, &c. sub pœna, &c. Et quod compareatis coram nobis in cancellariam n'ram Dunelm. ad assisas et goalæ deliberationem prædictas ulterius facturi quod curia n'ra consideraverit in hac parte, differens hoc breve. Teste Willielmo Frankeleyne, cl. cancellario n'ro apud Dunelm 4° die Ap. reg. n'ri 21°. (1530.)——Ibid.

Tho. Card. Rot. A. N° 4. l're pat. Tho. Tempest, mil de offic. sen. ep. Dun. p. term. vit.—Tho. permissione, d. &c. Sciatis &c. dedimus et concess. &c. Tho. Tempest. mil. officiu. senescaliæ o'ium man'ior. d'nior. terrar. et ten. n'ror inf. e'patu. et comitatu. n'ru. palatinum et lib'tatem regalem Dun. ac ip'um Tho. Tempest dict. e'patus et comitatus palatini et lib'tatis regalis pred. constituimus &c. h'end. et tenend. gaudend. et occupand. officiu. pred. p'fato Tho. Tempest durante vita. sua. n'rali, &c. p'cipiend. inde annuatim, &c. viginti libras solvend. ad scacc. n'rum Dun. p. manus gen'alis receptoris n'ri et scacc. n'ror. &c. 1524.——Ibid.

Tho. Card. Rot. 86. offic. vic de Norham et Islandsh.—Tho miser. div. &c. o'ib's ad quos, &c. Sciatis, &c. nob. Henric. com. Northumb. gardiani d'ni reg. de le' est & middell marches v'sus Scotiam, &c. Ordinavimus et constituimus ip'm com. vic. n'r'm de Norham et Elandshire. Et eidem com. offic. illud com'issimus exequend. p. seip'a. aut sui dep. sufficient p. quo nob. rendere volu'it occupand. juxta legem et consuetud. regni Anglie et n're regie lib'tatis Dun. una cu. custodia goalar. n'rar. de Norham et Ealand. et o'i'u. prisonarior. ta cli'cor. convictor. qua alior. &c. In cujus, &c. Will. Frankeleyne canc. 3° Jan. a'o P. n'ro 5°.

N° 87. Offic. escaetoris eid. eod. die et a'o.—88. Offic. coronatoris, &c. —89. De prison. et aliis delib'and.——Tho. &c. nob. Cristofero Dacre mil. nup vic. n'ro in com. de Norham et Elandshire S. vob. mandamus q'd p'dil'c'o nob. Hen. comit. Northumb. &c. vic. n'ro com. p'd'ci, &c. o'nes prisonas sub custodia v'ra in goal. n'ris de Norham et Eland. existent. una cu. causis capc'o'is et detenc'o'is eor. et o'ia manic'la compedes, loras cathenas, ferrementa et alia ligamina quecunq. eisd. goal. et prisonib's p'tinen. p. indentur. inde inter vos et p'fatum com. fact. &c. Teste, &c. 4° die Jan. a'o P. n'ri 5°.

The See vacant.

Guardian,—Card. Wolsey, ap. 16th Feb. 1522.

Constable of the Castle, Rich. Ruthall.

Senescal,—Tho. Tempest, esq.

Tho. Wolsey, born March, 1471.

Elected, or translated from Wells, Feb. 1522.

Temporalities restored 30th Apr. 1523.

Translated to Winchester 27th Apr. 1529.

Died 29th Nov. 1530; buried 30th Nov.——Rot. B. Card indorso N° 26. the last act of Wolsey on the rolls. dat 22d June, a'o 7°, 1529.

Officers of the See in the time of Bp. Card. Wolsey.

High-sheriffs,—Will. Bulmer, knt. ap. 1st May, 1523.

Will. Bulmer, sen. knt. and John Bulmer, sen. ap. jointly 4th Aug. 1527.

Escheator,—Will. Eure, knt a festo S. Mich. 1523, ad festum S. Mich. 1525, feod. 10*l.* 10*s.*

Temporal chancellor,—Mag. Will. Frankeleyne, in Decr. Bac. ap. chanc. over the whole diocess, with the demesnes or castles of Howden, Riccal, Creyk, Allerton, Bedlington, Norham, and Eland, and all other demesnes and castles belonging to the bishopric, with power of appointing justices of the peace, coroners, stewards, bailiffs, collectors, and other officers, 7th Mar. 1522. Rot. A. Tho. Card. N° 2.

Constables of the castle,—Rich. Ruthall.

Rich. Bellasys, serviens e'pi, ap. for life. Dat. in edibus n'ris p'pe Westm. 4th Mar. 1527. Rot. A. N° 101. To officiate by himself or sufficient deputy. He was also of the council of the North on the first establishment. He was eldest son of Thomas Bellasys, esq; by Margaret, daughter of Lancelot Thirkeld, knt.

"An act what coiners shall do that make money at any mint within England;" whereby it was provided, that nothing therein contained should affect the coiners of York, Duresme, or Canterbury. As to our prelate's mintage in this province, Mr Noble says, "As primate of York and bishop of Durham, his mints supplied great part of the north of the kingdom with money, the coin being now numerous. He coined groats and half-groats at York, but only pennies at Durham, and they must be classed in two divisions, those struck before, and those after the 18th year of his reign." He gives three specimens of Wolsey's coin minted at Durham*. "N° 1, The epigraph upon the obverse is, HENRIC. DI GRA. REX ANGL.; between the words there are small crosses, as the obverses of his money generally have; upon the reverse the legend reads, CIVITAS DVRRAM; and the letters D. W. upon the sides of the shield, above the bars of the cross, must be read Dunelmensis Wolsey†.—N° 2. is the reverse of a penny of his; it reads CIVITAS DVRRAM, and has also the initials D. W. but has not the cardinal's hat: Both this and N° 1. have a star for the mint-mark, the former on both sides; from which circumstance, it is probable this penny was also coined before the 18th year of this reign. In the year 1527, when the second coinage of this reign took place, the king gave the cardinal a commission respecting the equalling his coins to those of the neighbouring mints, or the royal money in general. This no doubt respected his mints both at York and Durham; and probably enjoined him to copy the type of the new money, to prevent frauds, by having more than one kind of money in the kingdom. N° 3. is a penny after the type of the king's second coinage; the epigraphe on the obverse is, H. D. G. ROSA SIE SPIÆ, they however generally read SPIA; the legend upon the reverse is, CIVITAS DVRHAM, with the initials T. W. set as the letters upon N° 1. and 2. are, and at the bottom of the

Senescal,—Tho. Tempest, esq; oc. 10th June, 1524, and 16th Feb. Ibid. Copyh. B. L. p. 1,—11. Copyhold Book, marked L. ab. a'o 1522 usq. 1529, the time of bp. Wolsey and the vacancy, contains 169 pages.—Ap. for life, being serviens c'pi, 3d Sep. 1524. Rot. D. Tho. Card. N° 41.—Oc. 26th Ap. 1529, the last time the cardinal is mentioned in the Copyh. Books, p. 149.—Halm. tent. circa 17th Oct. 1524, cor. X'ro Broune, cl'ico, cur. Halmotor. Copyh. B. L. p. 32.

Registraries,—Chr. Chaytor, notary public.

Attorney-general,—John Bentley.———Randal's MSS.

* See plate of coinage, letters N. N. N. N° 1, 2, 3.

† As he and his predecessor were of the same Christian name, he might not chuse to put the initial of his first name upon his money of Durham, except there was also that of W. for Wolsey; this is a pretty strong proof that those with the letters T. D. upon them have been properly placed to Ruthall.

shield is the "cardinal's hat. The mint-book is a crescent." The coins of the second coinage are much scarcer than those of the first; the reason is, that he resigned this bishopric in little more than a year after the second coinage of Henry VIII. took place.

The future public transactions of the cardinal being in no-wise pertinent to our provincial history, we must quit the subject of his life at this period, and wind up with his general character.

He is described to be in person tall, comely, and very graceful in his carriage and air; It is said one eye was blemished by a certain disease, which occasioned his pictures to be always taken in profile; but this seems to be a low, scandalous, and puerile conjecture, and without support. He was a man of quick parts, a clear and ready perception, and of great industry; but every good quality was overshadowed by the poison of ambition, and the arrogance of pride. He advanced himself, by an exertion of extraordinary abilities and a prostitution of every principle, to serve his king and aggrandise his own fortune. He governed England for the space of twenty years, during which time he knew all the cabals of foreign courts, and had spies on every prince in Europe, by which he rendered himself truly formidable, having in his hands the exercise of all his sovereign's power, so that he was courted, flattered, bribed, and caressed by the greatest potentates in Christendom. He rendered England formidable to all the powers of Europe during his administration, by his intrepidity, his absolute power, and determinate will. Yet his negociations were not conducted by political principles or patriotic virtue, but arbitrary maxims, and selfish, lucrative views. Mr Hume says, "If in foreign politics he sometimes employed his "influence over the king, for his private purposes, rather than "his master's interest, which he boasted he had solely at heart, "we must remember, that he had in view the papal throne, a "dignity which had he obtained, would have enabled him to "make Henry a suitable return for all his favours." The latter part of Henry's reign has been held up in comparison with the former, wherein Wolsey presided, and the errors of one in competition with the other, given in argument for his administration: But this is a visionary justification; for the enormities of the latter part of the king's life were perhaps born of the seeds which [illegible] sown, and the principles he did not live to see ma- [illegible] Herbert says, "it may be doubted, whether [illegible] id not occasion the irregularities [illegible] low."——"He had ever taken [illegible] s, "to conceal from Henry that

"there was ought above royal will and pleasure, or that law had "the force to curb prerogative." Wolsey shewed in a variety of instances, that he was bitterly vindictive, insatiably rapacious, and insolently arbitrary. On many of the most important occasions, he displayed his contempt of the laws, and utter disregard to the constitution of his country, when they lay in competition with his own power, interest, or ambition. He was charged with great immoralities and a lascivious life; and yet, in public, he kept up much shew of solemnity, piety in religious offices, and the exterior forms of religion; had an eloquent and persuasive tongue, and possessed a superior share of learning and true taste; he promoted and gave great support to literature, and was the general patron of learned men. Charged with incontinency, his natural children are pointed out, two of whom he had by one woman, as appears by the articles of his impeachment. Thomas Winter, who was generally received as his son, had a learned and liberal education, being sent to study at Paris; and he held many eminent preferments through Wolsey's interest.

Cavendish, in the close of his work, says, "Here is the end "and fall of pride and arrogancy of men, exalted by fortune to "dignity. For I assure you, that in his time he was the haughtiest man in all his proceedings alive; having more respect to "the honour of his person than he had to his spiritual profession, "wherein should be shewed all meekness, humility, and charity*."

The cardinal died at Leicester, 29th Nov. 1530, and was privately interred in the chapel of the abbey there, Mr Noble says, "when at Leicester, he went to view the abbey, purposely to see "if any memorial remained over the place of sepulture, but "there was none: Where he was buried, it is believed, is now "a garden."

After the translation of cardinal Wolsey, the See of Durham remained vacant almost a whole year; during which period, the issues of the palatinate were given to Anne Boleyn. In December, 1529,

* Wood Athen. Ox. p. 1.—Antiq. Oxon.—Fuller's Holy State, and Church History.—Lloyd's Statesman, vol. i. p. 135. Gratian de casibus Illustr. viror.—Rymer's Fœdera, vol. xiii. p. 784.—Wolsey's Life by Dr Fiddes, fol. 1721.—Erasmus Epp. in the index rerum under Eboracensi Card. and in the index epistolarum. Tho. Cardinali Eborocensi. Rym. Fœd. vol. xiv. p. 364.—Holland's Herolog. Ang.—Tanner's Notitia Mon. p. 178, 214, 286.—He resigned the archbishopric, &c. before he died. Rymer.—His life wrote by Cavendish, and by Tho. Storer in verse. Stevens Monastic. Willis.—Burnet's Reformation, vol. iii. p. 17.——Grey's MSS.

1523, 14 Hen. VIII. Bulla principalis super episcopatu Dunelm. p. 783.

——————————— Bulla retentionis cum ecclesia Dunelm. p. 784.

1524, 15 Hen. VIII. De restitutionibus (Tho. Wolsey) temporalium Dunelm. p. 789. Rymer's Fœdera, vol. xiii.

CUTHBERT TUNSTALL,

then bishop of London, was translated to this See; and on the 25th of March, 1530, received restitution of the temporalities.

Bishop Tunstall was born about the year 1474*, according to some 1476†, at Hatchford, in Richmondshire. The legitmacy of his birth has been called in question by some who depended on an assertion of Leland‡, his cotemporary, who only speaks of it as a report; and that his mother was a Coniers. In a pedigree of the Holland family,‖ he is said to be the son of Sir Richard Tunstall, knight of the garter, and to have been brought up some years in Sir Thomas Holland's kitchen, till being known, he was sent home to his father. It is probable such assertions are erroneous. Bayle says of him, that he was born of an illustrious house.§ In the pedigree of the Tunstall family, revised and corrected by the late learned Dr Burton, of York, he is set down as a son of Thomas Tunstall, esq; brother of Sir Richard Tunstall, knight of the garter; and on his death, without issue male, in 1492, his heir and successor is Thurland Tunstall, Lancashire, the seat of the Tunstall's for many ages, and which, by grant from Henry IV. they had a power to fortify as a castle; the family being always staunch friends to the house of Lancaster.—This latter opinion seems corroborated by the bishop's will, proved before Walter Haddon, doctor of laws, 13th Jan. 1559-80; where he calls Sir Francis Tunstall, then of Thurland, great grandson of this Thomas, his nephew. Sir Thomas's eldest son, Sir Brian Tunstall, highly celebrated for his valour, was slain, gallantly fighting under the earl of Surrey, at Flodden Field, Sept. 1513.

Bishop Tunstall was admitted first of Baliol College, Oxford,¶ in 1491; which leaving on account of the plague, he became a student of King's-hall, now part of Trinity College, Cambridge;** from whence he went to the then celebrated university of Padua, where he took the degree of doctor of laws.†† On his return he was promoted to the church of Stanhope, being then only subdeacon.‡‡ In 1511, being ordained priest, he was made chan-

* Biog. Brit. vol. vi. p. 3978.

† Bp. Tanner's Bib. Brit. p. 724.—Hollingshead. vol. iii. p. 1185.

‡ Leland's Itinerary, vol. i. p. 17. 2d edit. ‖ Blomefield's Norfolk, p. 232.

§ Splendido loco natus Bayle Script. Brit. p. 713.

¶ Bp. Tanner Bib. Brit. p. 724.

** Wood's Athenæ Oxon. edit. 1721, vol. i. p. 127. †† Tanner, ut sup.

‡‡ For Bp. Tunstall's promotions, see Tanner, B. Willis, &c. Wood's Athenæ as before.

cellor of Canterbury; 1514, prebend of Lincoln; 1515, archdeacon of Chester; 1516, rector of Harrow on the Hill; the same year master of the rolls, and sent on an embassy with Sir Thomas More to the emperor Charles V.* then at Brussells, where he became first acquainted with the great Erasmus, and lived in the same house with him, when they contracted the strictest friendship: Erasmus thus speaking of him, "We have "here Cuthbert Tunstall, master of the rolls in England, am- "bassador from his prince to our emperor Charles V. a man "who not only outdoes all his cotemporaries in the knowledge "of the learned languages, but is also of an exquisite judgment "and clear understanding, and likewise of an unheard of modes- "ty; and moreover, is a chearful and pleasant companion, with- "out losing his proper gravity. I board with him, which is a "great happiness to me." And again, when he left him, he says, "I seem now scarce to live, Tunstall being torn from me. I "know not where I shall fly to." In 1519, he was prebend of York; 1521, prebend of Sarum; the same year, dean of that church; and about this time was sent by the king to the Diet of Worms.† In 1522, he was consecrated bishop of London; 1523, made keeper of the privy seal. In 1525, he was sent on an emdassy into Spain, with Sir Richard Wingfield, to the emperor Charles V. as mediators for the freedom of Francis I. of France, taken at Pavia. In 1527, he attended Wolsey in his splendid embassy into France:‡ Erasmus, after mentioning him in that capacity among many of our most eminent men, breaks out into this exclamation, "*Quid Cuthbertum Tunstallum cum* "*quovis primorum conferendum, quorum non ita multa paria cele-* "*bravit antiquitas.*"§ In 1529, he was one of the ambassadors from the king of England at the celebrated treaty of Cambray;‖ and in 1530, translated to the See of Durham.

* During the time that Dr Tunstall was employed on this embassy, he was extremely diligent in discharging the duties of his post; and as his abilities were fully equal to the office he had undertaken, nothing escaped him in which the interest of his master, king Henry, was concerned. He perfectly understood the state of the imperial court, penetrated into all the designs of it, and failed not, as occasion offered, to communicate his observations, and impart his advice, either to the king or to cardinal Wolsey, then prime minister. In 1517 he returned to England; but he had not been at home above ten days, before he was sent upon a second embassy to the emperor. ——Brit. Biog. vol. ii. p. 185.

† Fiddes's Life of Card. Wolsey, p. 242.—Erasmi Ep. p. 27.—Ib. p. 400.

‡ Hall's Chronicle, fo. 160. § Erasm. epist. p. 725.

‖ On his return from this embassy, being at Antwerp, (where Tindal was) he sent for one Packington, an English merchant, and desired him to see how many of Tindal's New Testaments he might have for money. Packington acquainted Tindal with what the bishop proposed: Tindal was very glad of it, for he was then designing a new and more correct edition; but being poor, and the former impression not sold

After Wolsey's death, the king urged the matter of his divorce with redoubled earnestness, having obtained opinions and decrees in his favour from most of the eminent seats of learning in Europe. Our prelate wrote on the side of the king. Various accounts appear touching this matter: Bishop Burnet says, "The king "having commanded the archbishop of Canterbury to require "the opinions of the bishops of England, they all in writing un- "der their hands and seals declared it an unlawful marriage; "only the bishop of Rochester refused to set his hand to it."—J. Pitt's account is very different: "There was only one blot in "bishop Tunstall's life; his being seduced and drawn in by the "king to assert, that his marriage with Catherine of Spain might "and ought to be dissolved, and to write a book wherein he en- "deavours to prove it: Of which he so much repented after- "wards, that he went into the quite contrary opinion, condemned "the book he had written, constantly took the queen's part, and "was one of the advocates in her cause." This is explained by the following paragraph in Bishop Fisher's life: "Cardinal "Campeius called for Dr Cuthbert Tunstall, bishop of London, "and desired to hear him speak; for he was a man of profound "judgment and learning, and one in whose wisdom and honesty "the cardinal reposed great confidence. This Tunstall had "written a very learned treatise in defence of the queen's mar- "riage, which indeed should have been read in the court; but the "king, fearing his abilities, purposely sent him upon an embassy "into Scotland, at the very time he should have appeared, "about a trivial business; so that he appeared not in court "this second time." The king, dreading to meet the opposition of the See of Rome, was determined to shake that authority to the root: He was of a temper resolute and obstinate; so that he rested not till he had accomplished whatever he proposed. In the 21st year of his reign* he gave the first great blow to the pope's supremacy in England, by a law†, forbidding the procur-

off, he could not go about it. So, giving Packington all the copies that lay in his hands, the bishop paid for them, and brought them over and burnt them in Cheapside. Next year, when the new edition was finished, many more were brought over; and chancellor More enquiring of one Constantine who it was that encouraged and supported them at Antwerp, was told, that the greatest encouragement they had was from the bishop of London, who had bought up half the old impression. This made all that heard it laugh heartily.—Tindal was born on the borders of Wales, and brought up at Oxford, and 1536 was burnt at Filford, eighteen miles from Antwerp, crying out at the stake, "Lord, open the king of England's eyes!"——Hall, p. 186, 227.—Fox, Burnet, &c.—Rapin's Hist. Eng. vol. i. p. 804.

* Statutes, Cha. 23.

† There is another clause in this act "which forbids all spiritual persons having or occupying by himself or any other to his use, any parsonage or vicarage in farm, of

ation of licences, tolerations, and dispensations from Rome; this was succeeded by a charge against the clergy in general of *Præmunire*, for obedience to Wolsey's legatine authority, exercised contrary to the statute: He knew he should meet with the greatest resistance, in the affair of his divorce, from the clergy; and therefore projected their subjection, that they might be under a necessity to recur to the royal protection, which brought on their recognition of the king's being the supreme head of the church. The convocation at York hesitated long upon the new title, and came not to a resolution thereon until the month of May following the determination of Canterbury.* Bishop Tunstall for a time solemnly protested against making the recognition, on account of the following words in the preamble to grant a subsidy to the king, in a convocation for the province of York; "Quam "plurimos hostes, et maxime Lutheranos, in perniciem ecclesiæ "et cleri Anglicani *(cujus singularem protectorum unicum et su-* "*premum dominum, et quantum per Christi legem licet, etiam su-* "*premum caput ipsius majestatem recognoscimus)* conspirantes, "&c." He was willing to allow, that the king, after Christ, was the supreme head of this kingdom, and of the clergy of England in earthly and temporal matters; but would not acknowledge him to be such both in spirituals and temporals, or that it was lawful according to the law of Christ: Yet afterwards, bishop Tunstall not only acquiesced therein, but also recommended it, both in

the lease or grant of any person or persons, or to take any profit or rent out of such farm, upon pain to forfeit 40 *s.* for every week, and to lose ten times the value of such profit or rent, as he shall take out of any such farm. All spiritual persons both secular and regular beneficed with cure, are forbidden under the same forfeiture to take any stipend or salary to sing for any soul."

* Edwardus permissione divina Ebor. a'e'pus Anglie primas, & ap'lice sedis legatus. Venerabili confratri nostro Cuthberto Dei gra. Dun. e'po, &c. Breve regiu' sub magno sigillo d'ni n'ri reg. directum nuper recepim. in hæc v. Henricus octavus, &c. Reverendissimo in X'to patri Edw. &c. fil. &c. Quibusd. arduis & urgentibus negociis nos securitatem & defensionem eccl'ie Anglicane, ac pacem tranquilitatem, bonu' publicum & defensiones regni nostri & subditor. nostror. ejusd. concernen. vob. in fide & dilecco'e quib's nob. tenemini rogando mandam. quatenus p'miss. debit. intuitu attentis & ponderatis. Universos & singlos e'pos v're p'vine ac decanos & priores eccl'iar. Cath. abbates priores & al. electivos exemptos & non exemptos, necnon archidiaconos capitula conventus & collegia totumq' cler'um cujuslibet dioc. ejusd. provinc. ad comperend. coram vob. in eccl'ia beati Petri Ebor. v'l alibi, prout melius expedire videritis, cum omni celeritate accommoda modo debito convocari faciatis ad tractand. consentiend. et concluden sup. premissis & aliis q. sibi clarius exponentur tunc ibidem ex p'te n'ra & hoc sicut nos & statum regni n'ri ac honorem & utilitatem eccl'ie p'dice. diligitis nullatenus omittas. Test. meip'o ap. Westm. 23° die mensis Dec. a'o regni vicesimo t'tio. Quocirca rev. ende confr. tenore presentium peremptorie, vos citamus ac priorem eccl'ie Cath. Dun. &c. &c. in eccl'ia n'ra metropolitica Ebor. die Mercurij (viz) septimo die mensis Feb. prox. futur. &c. Dat. in domo residenc. n're in Stokwell 7° die mensis Januarij A. D. 1531. Et nostre cons. a° primo.—Randal's MSS.

his injunctions, and in a sermon preached at Durham, as he testifies in a letter to secretary Cromwell.*

The king having established this great point, had no longer any dread of papal interposition, to controvert his purpose in the divorce, and interfere with his government of ecclesiastical matters; and therefore granted a general pardon, in ample form, to all the clergy.

Whilst these affairs were agitated with much warmth, the state of the borders was turbulent, and mutual inroads were made.—Lesley says, the king perceiving the jeopardy of the northern parts of his dominions, by such constant irruptions of the Scots, the English border being thinly inhabited, proposed to his parliament, that a pole-tax should be imposed, to enable government to raise bulwarks, or a chain of fortresses, to resist those incursions; but the measure was opposed. It appears that the Scots surprised the castle of Norham; but it was soon retaken by Frankeleyne, then archdeacon of Durham, and who had been temporal chancellor there in cardinal Wolsey's time, and during the vacancy of the See after his translation: For this service, he had an armorial coat granted†. In the following year, Coldingham was reduced to ashes, and other barbarous acts of warfare

*"And where now of late I have also received the king's most honourable letters sent unto me by Sir Francis Bygot knt. containing the king's highnes com'andment for setting forth of his title of Supreme Head of the Church of England, and the abolishment of the authority of the bishop of Rome; I not only myself, before the receit of the same letters, had done my duty in setting forth his title of supreme head, but also caused others to do the same. And so his grace was prayed for ever since the proclamation of the act thereupon made. And eftsones upon the receit of the king's said letter, I repaired to Duresme, and there preached myself again in great presence, as well in setting forth the king's title, as in declaring the usurped authority of the bishop of Rome, heretofore used in this realm. And so have done, and shall from time to time accomplish the king's commandment in my diocess God willing There were words in the said letter that sore grieved me; that the king's highnes should repute, that I should look for a new world or mutation. If the king's highness knew my mind, as God doth, sure I am, those words had not been put in. For I have been as sore against such usurpations of the bishop of Rome, as daily did grow, as any man of my degree in this realme. And that I should now look for the renewing of a thing, which I withstood heretofore, as far as I might, when he flourished most, it is not likely. Surely I look for no mutation, nor new world, but one; which is the changing of this life transitory to the life eternal in the world to come. Which mutation, whensoever it shall happen, I beseech Almighty Jesus, of his infinite mercy, that I may leave the king's highness in his most prosperous reign many years after my decease, to myche increase of his honour, the wealth of his subjects, and the propogation of his most royal posterity. And thus Almighty Jesus preserve your good mastership to his pleasure and yours.——From Auckland the xxjst day of July.

Your mastership's most humble bedeman,

CUTHBERT DURESM."

Cotton. lib. Cleopat. E. 6, p. 248, 6.—Strype's Eccl. Memor. vol. i. p. 191; and Appendix, p. 158.

† E. Bibl. Harlei. N° 1499, 23.

were committed by both nations; a stop to which was fortunately put, by a truce for a year, that took place on the 19th of June, 1533, and was succeeded by a peace, agreed to be maintained during the lives of the reigning sovereigns.

In the year 1532, an act of parliament passed for extinguishing the payments of annates or first-fruits of bishoprics to the See of Rome, which had drained from England, since the second year of Henry VII.'s reign, no less a sum than 160,000l. and a provision was made, touching the consecration of prelates, by the authority of the king. On the 23d of May, 1533, sentence was given for the king's divorce; and on the 28th, by another sentence, the king's marriage with Anne Boleyne was confirmed, and she was crowned queen on the 1st of June. This event added new force to Henry's desire of shaking off the power of Rome; as the queen resenting the pope's non-compliance, ceased not to irritate and urge his passions on that pursuit; and when the pope, through the instigation of the emperor, published a sentence against the king, it brought to a crisis that desired business, and England was for ever severed from the See of Rome; for the whole legislative body was so displeased with the pontiff's conduct, that with one mind they determined utterly to abolish the papal authority in England. A statute was made, whereby it was enacted, "that "for the future, the pope shall have nothing to do in the nomi- "nating or presenting of bishops; but that when a bishopric "shall become vacant, the king shall send to the chapter, a *Congè* "*d' Elire;* and in case the election shall not be over in twelve "days after the licence issues, the election shall belong to the "king. That the bishop elect shall swear fealty to the king, "and then be recommended by him to the archbishop to be con- "secrated. That if the bishop or archbishop refuse to obey the "contents of this act, they shall be liable to the penalty of *Præ-* "*munire.* Moreover, all persons were expressly forbid to apply "to the bishop of Rome for bulls, palls, &c." It is observable, that bishop Tunstall was not present at the passing of this law; and Fisher bishop of Rochester, and Sir Thomas More, refusing to sign the act, were sent to the Tower, and afterwards suffered death. The people in general rejoiced, and those favouring the reformation flattered themselves the new principles of religion would gain a rapid progress; but the propitious æra was not yet arrived, a multitude of obstructions arising; for the king, to clear himself from the imputation of having turned protestant, which was bruited with much rancour, exercised great rigour againstt he Lutherans, and brought multitudes of the sacramentarians to the stake: The monks, notwithstanding those sacrifices, were imprudent enough to exclaim publicly against the legislative measures,

which hastened the more tardy steps of their destruction, by exciting the king's indignation.

After the succession act was passed, our prelate was one of the king's messengers to queen Catherine, then at Bryden. They attempted to persuade her to relinquish her title, and submit to the sentence; but all their learned arguments could not prevail against her obstinate virtue.*

The parliament which met on the third of November, 1534, confirmed the king's title of *Supreme Head of the Church of England.* By another act, the benefit of sanctuary was taken away from persons accused of treason: And by a third, annates and first-fruits were given to the king, together with the tenths of all ecclesiastical benefices. In 1535, our bishop was one of the commissioners for taking the valuation of ecclesiastical benefices, in order to settle the first-fruits and tenths under the before-mentioned act. By another statute, provision was made for suffragan bishops, which revived an institution of the primitive church, that had been discontinued for several centuries.

The necessity there was of the king's maintaining his measures against the See of Rome, combating with his aversion for the name of heresy, he having in his heart entertained no idea of reformed principles in religion, like a storm, tossed him in different directions: His steps were rigorous; he persecuted the Lutherans with unremitting severity, at the instant he was pursuing his projects to overcome by force the obstinacy of such of his subjects as refused to submit to the laws lately enacted; in consequence of which, the bishop of Rochester and Sir Thomas More suffered death on the scaffold, and several other ecclesiastics were brought to execution. As Henry had conducted himself for some time with great haughtiness, "he found, if he re-"laxed on this occasion, it would certainly be ascribed either to "his scruples or to a sense of his weakness, than which nothing "could be more prejudicial to him; this consideration, joined to "his stern and haughty temper, rendered him altogether untrac-"table: From thenceforward he became fierce, cruel, insensible "of his people's calamities, and executing without mercy the "laws dictated by himself to his parliament. All that can be al-"ledged in his vindication is, that he was often provoked by per-"sons, who, endeavouring to alienate the hearts of his subjects, "attacked him in the most sensible part, because his whole reli-"ance was upon the assistance of his people.†" The monks, by every secret influence and artifice, endeavoured to incense the minds of men against the king; they still held many in the bon-

* Herbert, p. 175. † Rapin.

dage of superstition and religious horror, and practiced on such subjects to stir up sedition. To prevent the mischief which evidently threatened, Henry resolved to try how his subjects in general would be affected under the idea of a dissolution of the monasteries; and for that purpose made a movement in a lower degree: The *observant friars* had been most clamorous against the measures of state, and he made them the first objects of his wrath; he suppressed their fraternities, and filled their houses with Augustines*. It is astonishing with what resignation the king's purposes were submitted to; various reasons have been assigned by learned writers; and it is the most general opinion, that the morals of the religious at that period greatly contributed to influence the acquiescence of the people; one party dreading resistance, as destructive to their establishment; the other watching for favourable circumstances to advance their designs. The fate of the *observant friars* occasioned no additional clamour, and being determined effectually to sap the power of Rome, in his dominions, Henry saw no way to accomplish it, but by stripping the religious houses of their influence and authority. He had proved, that there was no certain means of dividing the monks from the papal authority, and thence he was led to pursue the destruction of the monasteries with every degree of severity and attention. An act of parliament was passed, to empower the king to visit, order, and reform all errors and abuses in religion; under which he did not doubt to remove the people's ancient prejudices and affections for the monks by a public discovery of their errors and enormities, and thereby pave the way to his great design. He had views beyond the renunciation of the authority of Rome, the profits he should derive from a confiscation of monastic possessions, by which he might support the approaching war threatened by the emperor, without imposing any tax on his subjects: The benefit and advancement of religion was the most distant sentiment of his heart. To traverse the progress of this great business through all its stages would lead us beyond our limits. We shall have occasion to descend to some particulars, when the history of the cathedral church of Durham, and some of the inferior monasteries are treated of. Therefore, it must suffice in this place to say, that an act of parliament passed (27 Hen. VIII. c. 28.) for the dissolution of all those abbies which did not possess above the clear yearly income of 200l. whereby 376 religious societies were dissolved, and a yearly revenue of 30,000l. accrued to the exchequer, besides the plate, jewels, and personal effects belonging to their houses, which was computed at 100,000.£ Col-

* Herbert. p. 379.

ller says, "The seeing the monks and nuns stroll about the coun-"try for their bread, and the churches pulled down, profaned, "and turned to barns and pigeon-houses, was no agreeable spec-"tacle." On this dissolution arose *The Court of Augmentations.*

The county of Durham was greatly affected by the above act, though the cathedral church stood undissolved. It will appear remarkable to the reader, that the vices and enormities charged on the lesser monasteries were not to be discovered in the larger: But there was a grand finesse in this;* for the act tells us, "Those "were regular, and answered the purposes of the institution."—Perhaps the lesser houses could not be suppressed without the consent of the greater, and of those there were no less than twenty-six mitred barons, who sat in the house of lords: It was prudent, therefore, to lay the apprehensions of those abbots asleep, and prevent their suspicion of falling under the same fate.

There happened a suspension of the affairs of the monasteries in the king's mind for some time, his heart being occupied by two discordant passions, under which he was grievously agitated; the one, his jealousy of queen Anne; the other, a violent love for Jane Seymour, one of the maids of honour: The first brought on the untimely fate of the queen, and the latter elevated the favourite to the throne. To render this flagrant act more atrocious, the king got his marriage with queen Anne annulled, and a sentence of divorce was pronounced on the surmise of a previous contract, by which the princess Elizabeth was declared illegitimate. By an act made in the succeeding parliament, the divorce was confirmed, and the issue of both the king's marriages disabled from inheriting the crown: But power was vested in his majesty to declare the succession by letters patent, or his will. Rapin says, "Had the sentence of divorce been passed before the trial, "she could not have been condemned for adultery, since her mar-"riage with the king must have been considered only as a con-"cubinage: But Henry had acquired such an absolute sway "over his subjects, that his will was the sole measure of justice "and law; nay, he so little regarded the public and his own "reputation, that he married Jane Seymour the day after Anne "Boleyn's death." And, speaking of the above act of parliament, he adds, "This is a clear evidence, that the parliament "had not justice and equity so much in view as pleasing the "king."

In the year 1356, the king caused to be exhibited, Articles of Alterations in religious Doctrines, and orders to examine them,

* Fuller.

and make report thereof to his majesty. The reformists on this appeared in high spirits, and openly separated themselves from those who were adherents to the established church; of the latter it is said, were bishop Tunstall, and Lee archbishop of York:* Yet in the copy of articles in the Cotton library, both those bishops are subscribers thereto. To this instrument there are the hands of eighteen bishops, forty abbots and priors; and, of the lower house of convocation, four deans of cathedrals, twenty-five archdeacons, three deans of collegiate churches, seventeen proctors, and one master of a college. Bishop Tunstall being a subscriber, shews his great moderation in religious matters, though he stands in the list of those who opposed the reformation. In consequence of the articles, Cromwell, privy seal, issued injunctions to the clergy grounded thereon: The fourth declares, "That they should not lay out their rhetoric in flourishing upon "images, relics, or miracles; upon any motion of superstition, or "covetousness; that they ought not to persuade their people to "pilgrimages, contrary to the intendment of the late articles, but "rather exhort them to serve God, and make provision for their "families:" And the seventh provides, "That every church "should have a bible in Latin and English, to be laid in the "choir, for every one to read at their pleasure."

The king, to appease the minds of the people, who now appeared to declaim against his measures, re-founded some religious houses, on stricter rules; but that not prevailing, an insurrection was formed in the north, headed by several of the dispossessed clergy, who assembled under the title of *The pilgrimage of grace*, carrying several religious ensigns, with crucifixes, and other holy things, usually exhibited in processions. The people of Richmondshire, Lancashire, Westmorland, Cumberland, and Durham, fired the beacons, a signal for all men capable of bearing arms to assemble and put themselves in a posture of defence, which gave a great alarm to government. The earl of Shrewsbury was ordered to march immediately with a body of troops, to quell the insurgents. As the rebels moved forward, they reinstated the monks in the possession of their monasteries, and the monks in return used every effort to inflame the minds of the populace, with that enthusiastic rage, superstition and bigotry inspire. To intimidate such monks as were thus repossessing themselves of their old seats, under the influence of the insurgents, the king ordered an example of terror to be exhibited, by dragging out the religious from several monasteries, thus seized, and executing them by martial law: Among those houses, where

* Vide articles at length, Collier, vol. ii. p. 122.

this tragedy was exhibited, we find Norton and Hexham are named. The rebels advanced as far as Doncaster, in the month of October, where they were met and amused, by the duke of Norfolk, with the proposals of a treaty, and petition to the king for redress of grievances, projected merely to give time for the royal army to advance, which Henry proposed to lead in person. Sir Ralph Elerker and Robert Bowes presented the petition to the king, to which he sent an answer in certain articles penned by himself, and granted a pardon to all, except six persons therein named, and four unnamed. The northern clergy met at Pontefract, and agreed to certain articles of religion, to be proposed at the treaty: The archbishop of York was present at this assembly, when he told the people, that be their grievances what they might, the manner of their appearance was unwarrantable, and an armed pilgrimage was totally unlawful. After this meeting, a day was appointed to treat with the duke of Norfolk, and other the king's commissioners. At the head of the insurgents we find John lord Scroop, the lord Latimer, John lord Lumley, Thomas lord Darcy, Sir Thomas Percy, Sir Robert Constable, Sir John Bulmer, Sir Stephen Hamilton, Sir Thomas Hilton, Richard Tempest, and William Lumley, with many other distinguished persons of this country. The demand of the malcontents was extravagant, inconsistent, and inadmissible; one of which was, "That the liberties of the church should have old "customs, as the county palatine of Durham, Beverley, Ripon, "St Peter of York, and such other, by act of parliament." The king told the people, in answer to their petition, "that they were "brutes, and inexpert folks." It is observable, that this sentence, with some other parts, were interlined by the prince himself *.—To amuse the populace, a general pardon was granted, which had the desired effect of disuniting the insurgents, who returned in small parties to their respective counties. The duke of Norfolk still kept his troops together, and at their head, exacted oaths of submission from the country as he passed: But the popular dissatisfaction did not subside; the disappointed monks still retained an influence over the consciences of the vulgar, and some small parties took the field again, though they were soon dispersed, and the lord Darcy, Sir Robert Constable, Sir John Bulmer, Sir Thomas Percy, Sir Stephen Hamilton, Nicholas Tempest, and William Lumley, in consequence of this latter offence, were apprehended for high treason, and carried up to London, where lord Darcy was beheaded; several ecclesiastics

* Speed's Hist. Great Britain.

and others were also executed at Hull, York, and elsewhere in the north, among whom were six abbots, the prior of Bridlington, five Linconshire priests, and several monks. The duke of Norfolk discharged his commission with great rigour, and dispatched no small numbers by martial law. The king being at length moved to close the tragedy and stop the issue of blood, granted another general pardon.

It is evident, from the names of the active persons in the rebellion, that this province had a great share therein; and the consequence was, that material change which immediately took place here, when the honours and ancient authorities of the palatinate were taken away; when this bishopric was deprived of those powers wise and pious princes had placed here, not only for the honour of the province, but also from the most prudential political principles and maxims of state. The regal diadem of Deira was never torn from hence till this æra. The franchises and *jura regalia* were retained, after the dissolution of the heptarchial states, and union of the provinces; but the ruthless tyrant, with the hand of destruction and arbitrary will, came forth, and swept away in vengeance all the ancient glory of this imperial mitre, and levelled its greatest honours with the earth. How our prelate was affected in mind by this stroke, is not said; he had been disciplined into passive obedience, and probably looked upon the solemn ruin with a silent sigh. An act of parliament was passed in the 27th year of this reign; by the first clause of which, the bishop was deprived of the privilege of pardoning any of the offenders in the late tumults, by being restrained from granting any future pardons within his palatinate to principles or accessaries in treasons, murders, manslaughters, felonies, or any outlawries for such offences; by the second clause, the ancient authority of appointing and commissioning justices was taken from the bishop; by the third, all writs were directed to run in the name of the king, the bishop having only the right of testing the process in his name; by the fourth, the ancient tenor of indictments, was taken away, and the offence was thereafter directed to be stiled *against the peace of the king*, and no longer *against the peace of the bishop*, as was the usual form; by the fifth, the king was to take all manner of fines, issues, amerciaments, and forfeitures of stewards, bailiffs, or other ministers or officers of franchises or liberties, for non-execution, mis-execution, or insufficient returns of such writs, warrants, precepts, or other process, which to them or any of them, or to any their deputy or deputies should be directed, or for any contempt or other misdemeanor, whatsoever it be, concerning their offices, in and for the due execution or administration of justice, any grant or allowance, or other thing to the

contrary thereof notwithstanding; and that the amerciaments for insufficient returns of writs, or other process made by stewards or bailiffs of liberties or franchises, having returns of writs and execution of the same, should be put and set upon the heads of stewards or bailiffs, and not upon the sheriffs: The ninth, tenth, and eleventh, relate to the purveyors of the king's court; the fourteenth and fifteenth enact, that all sheriffs and their officers within such liberties should be subject to the general laws relative to the duty of their office; the sixteenth and seventeenth give authority to justices within their liberties, and declare, that persons within such liberties shall not be compelled to appear before any justice out of the same liberties; the twenty-first provides, that the bishops of Durham and their temporal chancellors shall be justices of the peace within the county palatine, with as full powers as any other justices of the realm.

Thus were the bishops of this See stripped of their greatest palatine honours. The possessions within the palatinate were not affected, but the chief regalities were removed. The reader will best distinguish what diminution of privilege took place, by the prelate's future exercise of power, expressed in the various records hereafter referred to.

An act also passed about this time, whereby tithes, and other ecclesiastical profits arising during the vacancy of any spiritual promotion, were directed to belong to the person next presented, towards the payment of first-fruits.

A controversy had arisen between cardinal Pole and the king: Pole was of the blood royal, and cousin-german to his majesty by both the houses of York and Lancaster; under the king's auspices he had received a very liberal education, but from real principle dissented from the king's opinion, and wrote freely thereon: Bishop Tunstall, on account of his learning and judgment, was appointed to answer the cardinal's arguments, and some letters passed between them, *one of which, from this prelate to the bishop of London, touching the supremacy of the bishop of Rome†, is mentioned as particularly severe.

* Biog. Brit. 3981.

† One of the letters that passed between them is printed in Bishop Burnet's History of the Reformation part iii. collect. N° 52. Another in Strype's Eccl. Memorials, vol. i. p. 296; and Appendix, N° 83, p. 206. And another in J. Fox's Acts and Monuments, vol. ii. Bacon's Reports, fol. 272; and the Appendix to Dr Knight's Life of Erasmus, p. 66, &c.

In one of the letters the bishop proceeds and puts Pole in mind, "That the popes, "at their coming to the chair, make a solemn profession to observe the canons of the "eight general councils. That by the regulations in these councils, there is no such "monarchy settled on the See of Rome as is now pretended. The ancient fathers "knew nothing of the right of governing the universal church, to which the modern "popes have put up their claim."

The king having suppressed all insurrections, was no longer under apprehension of mischief from the influence of the clergy, and thenceforth determined to pursue his scheme of a general dissolution of religious houses. In the year 1537, visitors were sent out with new instructions, of a more rigid nature; and were, among various other matters, to enquire concerning the loyalty and private behaviour of the monks, to inspect into their superstitions, ceremonies and tenets, and to discover how they were affected towards the king's supremacy. Bishop Godwyn remarks, on the king's care to expose the superstitious errors which had crept into the church, "That he was strongly disposed to pro-"mote any reformation that turned the penny and furnished his "exchequer." He directed Becket's bones to be burnt, defaced his monument, and ordered his name to be erased from the calendar; but withal seized the vast treasures which had been offered at his shrine.

A suffragan bishop for Berwick was appointed by bishop Tunstall, who granted him a pension of 50l. a-year out of his manor of Auckland, dated the 1st of July, 1537.* The book

"Custom and ancient usage are insisted on" Tunstall replied, "That for the first "thousand years, the belief and practice of the church was against him. That in the "primitive times, when the blood of the martyrs was fresh, and the scriptures best un-"derstood; when faith was strongest, and virtue had its greatest ascendant; when "things were in this state of advantage, the customs of the church must be better "than those of latter ages; of latter ages I say, when ambition and covetousness had "made an impression on Christendom. And whoever shall infer the papal authority "now exercised, especially in temporal matters, from St Peter's primacy, may, by pa-"rity of reasoning, make light and darkness the same thing." In proof of this point, the bishop refers the Cardinal to Cardinal Cusanus, in his second book *De Concordia Catholica*. "'Tis safest to govern ourselves by the decisions of the earlier ages. Now it is evi-"dent from the councils, that no particular See has so extensive and monarchial a "privilege; and that the preferences given to the bishop of Rome in those general "councils, were granted *upon the score of the imperial city and the See being the capi-"tal of the empire: It was for this reason that the pope had the precedence, and not "because St Peter and St Paul exercised the apostolical function, and were buried in "that city. In short, this prerogative was not drawn from any claim in the gospel, "but granted in honour to the capital, and in conformity to the civil government.*"

* Omnibus ad quos præsens scriptum pervenerit; Cuthbertus permissione divina Dunelmensis episcopus, ad infra scripta auctoritate suprema regia sufficienter suffultus salutem. Cum nos dilectum nobis in Christo reverendum fratrem nostrum† Thomam permissione divina Berwicensem episcopum suffraganeum nostrum in diocesi nostra Dunelmensi constituerimus, et cum secundum evangelium dignus sit operarius mercede sua: Nos qui eundem reverendum fratrem nostrum in partem solicitudinis nostræ pastoralis assumpsimus, ei de competenti suæ dignitati, victu providere volentes, eidem pensionem annuam quinquaginta librarum sterlingorum de et ex manerio nostro de Auckland exeuntem ad duos anni terminos, videlicet, natalis domini et sancti Johannis Baptistæ per æquales portionis per manus generalis receptoris nostri in scaccario nostro Dunelmi solvendam, quamdiu officium suffraganei in nostra Dunelmensi diocesi ibidem diligenter habitat executus fuerit: Concedimus et damus per præsentes donec et quosque nos aut successores nostri ei de ecclesiasticis beneficiis ad valorem quinqua-

† Thomas Sparke.

issued by authority, entitled "The institution of a Christian "Man," composed in convocation, and set forth this year, was subscribed by our prelate among others. Francis Burgrat and two others, sent into England with the protestant princes, to argue with the English divines, and press for further reformation, were answered by bishop Tunstall, at the king's command.* Collier, speaking of the part the bishop took in this controversy, says†, "Thence we may perceive, he was a prelate of no ordinary "learning and capacity; where he maintains the wrong side of "the question, he gives strong colours, and makes the most of "the argument: When I say this, I insinuate nothing against "his sincerity: I am willing to believe he thought his exposition "of scripture good, his inferences well drawn, and his proofs "satisfactory: For prejudices of education, and doctrines gene-"rally received from some length of time, are apt to give an "insensible bias, affect a good head, and surprise an honest un-"derstanding.

In the year 1540, most of the larger monasteries were surrendered to the king; the priory of Durham was surrendered by Hugh Whitehead, then prior, on the last day of December, in the 31st year of this reign. An act was passed to vest all the religious houses, with their lands, rights, and possessions, in the crown; by force of which, the king, on the 12th of May, 1541, founded the cathedral church, and appointed a dean and twelve prebendaries therein for ever; dedicating the church to the glory of Christ and the honour of the blessed virgin, by the name of *The Cathedral Church of Christ and blessed Mary the Virgin*; ordaining, that it should be the cathedral church and episcopal seat of the reverend father in Christ, Cuthbert, then bishop, and his successors, bishops of Durham for ever. The king, by this foundation charter, appointed the surrendering prior the first

ginta librarum de patronatu nostro vel aliorum ei fuerit provisum; Et si contingat dictam annuam pensionem per mensem alterutro terminorum prædictorum proxime sequentium a retro fore non solutam, extunc, liceat præfato suffraganeo nostro in prædictum manerium nostrum de Auckland intrare et distringere, districtionesque sic captas, aspotare et apud se retinere, donec et quosque de omnibus arreragiis pensionis suæ prædictæ ei fuerit plene satisfactum;—proviso quod quandocunque per nos aut successores nostros Dunelmenses episcopos de beneficiis ecclesiasticis de patronatu nostro vel aliorum, ad valorum viginti librarum ei provisum fuerit, extunc, tertia pars dictæ pensionis quinquaginta librarum cesset, quandocunque ei de beneficiis ecclesiasticis de patronatu nostro vel usque ad valorem quadraginta librarum per nos aut successores nostros ei fuerit provisum, extunc duæ partes dictæ pensionis cessent; Et quandocunque de beneficiis usque ad valorem quinquaginta librarum ei fuerit ut supra provisum, extunc tota prædicta pensio cesset et sit irrita præsenti concessione in aliqua non obstante. In cujus rei testimonium sigillum nostrum præsentibus apponi fecimus. Datum Dunelmi primo die Julij, A. D. 1537, et translationis nostræ anno octavo.

* Vide large quotations in Collier, vol. ii. p. 145. † Vol. ii. p. 149.

dean, and twelve of the most eminent of the fraternity prebendaries, whom he incorporated by the appellation of *The Dean and Chapter of the Cathedral Church of Christ and blessed Mary the Virgin*, and granted them a common seal, with power to the dean, for the time being, to appoint inferior officers and ministers of the church. By letters patent, dated the 16th day of May 1541, the king endowed the church with all its former possessions, having previously dissolved the inferior monasteries or cells which were dependant thereon: We find the manor and cell of Finchale, with the church and all things appertaining thereto, and the cell of Holy Island, specified.

There is something irreconcileably inconsistent in the king's religious complexion; with one hand, at this time, he was enforcing the *bloody statute*, as it was called, compulsory as to the belief of six articles, which he intended should take away all imputation of his having quitted the original and rigid tenets of his religion; and with the other he was holding out, by proclamation, the free use of the holy scriptures, and countenancing relaxations totally incompatable with the arbitrary rules of that statute. How our prelate relished this conduct relative to the scriptures, after having bought up and *burnt Tyndal's translation, we are not told. Perhaps he was afterwards convinced of the utility of such liberality, or otherwise, from his universal temperance and excellence of mind, we may conclude, that what he did not actually approve, he refrained from strengthening by a vain resistance; for he must have observed, that opposition in matters of religion only served to blow up the flames of enthusiasm; and we find that, in 1541, a new edition of the English bible came out, revised by him and Heath bishop of Rochester. It is alledged, by an author of credit†, that it was our bishop's fixed opinion, old usages were not to be dispensed with, without weighty reasons; and that some of them were in no wise to be broken.

Except that six bishoprics were founded out of the latter dissolutions, few such appropriations as at Durham were made; the lands in general were profusely given to favourites and flatterers, the money lavished in gaming, trivial amusements, and follies, and the state so far from being relieved, lay as open and subject as ever to taxes on every emergency.

The king, become apprehensive of troubles from the continent, and suspicious of the faith of Scotland, caused the fortresses on the coast, and those on the northern frontiers, to be repaired.—Bishop Tunstall was at considerable expence in restoring the castle and bulwarks at Norham; soon after which, hostilities

* See page 508. † Strype, Appendix, p. 257.

were commenced on the borders, and Sir Robert Bowes, then governor of Norham, at the head of 3000 horsemen, made an inroad, practising the accustomed depredations and cruelties; but he was taken prisoner, with his brother Richard, Sir William Mowbray, and several other persons of note. Henry was determined to bring the states of Scotland to terms, and also anxiously hoped to revenge the affront the Scottish king had lately put upon him, by making him wait at York on a proposed interview, without appearing or sending an excuse. He assembled a great army at York, the command of which he gave to the duke of Norfolk, who entered Scotland in October, 1542, laid waste the country in his march, and reduced Kelso and its beautiful abbey to ashes. Nothing more material was affected by the English army. The Scottish leaders refused to pass the borders at their sovereign's command, after which the disgraceful dissention prevailing in the army under Sinclair, which brought on their defeat by a handful of English cavalry, led by Dacre and Musgrave, gave the king of Scotland, who was subject to a depression of spirits, such distress of mind, as to bring him with a broken heart to the grave, leaving a daughter (Mary) the heiress to the crown, an infant not above a week old.

The queen had born king Henry a son, who was named Edward, and soon after departed this life. On the 6th of January, 1540, the king married Ann of Cleves, against whom, at first sight, he entertained the strongest aversion: He submitted to the match merely from political principles, and in disgust refused to consummate his marriage. Cromwell, who had been created earl of Essex, and negociated this marriage, provoked the king's displeasure, was accused of treason, and suffered death. Thus fell an able statesman, one who had imbibed all the political maxims of cardinal Wolsey, and lived to bring to maturity the projects his royal master had adopted, from the cardinal's devices, for extricating England from papal authority, and dissolving the religious houses. A divorce was obtained to relieve the king from his marriage, and innumerable instances of the abject servility and depravity of parliament followed. On the 8th of August, Henry declared his marriage with Catherine Howard, the most unhappy of his matrimonial engagements. On her accusation, the parliament not only found her guilty of the crimes imputed to her, but petitioned the king for her execution, together with her accomplices.

The dissolution of colleges and hospitals was now devised, and the previous steps thereto entered upon; but the measures were not at that time fully carried into execution.

In the beginning of the year 1543, the upper house of convocation first ordered the reading of the lessons in divine service, beginning with a chapter in the new testament without any exposition.

In July 1543, Henry married his sixth wife, Catherine Parr; and in the parliament which met on the 14th January, 1544, an act was passed to establish the order of succession to the crown, in which prince Edward and his heirs stood first; the king's issue by queen Catherine Parr, second; the princess Mary, third; and princess Elizabeth, fourth. The king entertained a project, of uniting the two kingdoms, by a marriage contract between his son Edward and Mary princess of Scotland, which was opposed by cardinal Beaton, the Wolsey of Scotland, and consequently much trouble ensued on the borders. A treaty of peace and marriage alliance was entered into in the year 1543, but by the cardinal's intrigues and influence, it was annulled by the states of Scotland; and in the following year the English army made an inroad, with the ordinary consequences of depredation, pillage, and destruction. Eure and Laton, two of the northern leaders, fell in this expedition; and it was not untill the year 1546 that peace was concluded, which event was followed by the death of Beaton,* who fell a victim to those favouring the reformation in Scotland, he having sacrificed some eminent men at the stake.—His assassination was perpetrated in his castle of St Andrew, by his domestics, corrupted to the horrid purpose†.

In November (37th of Henry VIII.) 1545, all colleges, free chapels, chantries, hospitals, fraternities, guilds, and the maintenance for stipendiary priests, with all their manors and other estates, were sacrificed to the crown, and dissolved. Thus the foundations made for the benefit of learning and relief of the poor, which were strengthened with the privilege of corporations, and intended for perpetuity, lost the stability of their settlements, and lay at the mercy of the king.

Henry expired in the night of the 28th of January 1546-7, in the fifty-sixth year of his age, having reigned near thirty-eight years. During this reign the stake smoaked with executions,

* Portraits belonging to the duke of Hamilton in Holyrood-House: "A head of cardinal Beaton, black hair, smooth face, a red callot. An ambitious, cruel, and licentious priest; so superior to decency, that he publicly married one of his six natural children to the master of Crawford, owned her for his daughter, and gave her (in those days) the vast fortune of 4000 marks."—Pennant's Tour in Scotland, vol. ii. p. 243, 244.

† Saturday, 29th May, 1546. Border Hist. p. 556.—The Scottish council say to the king of France, that the slaughter of the cardinal was by the persons in whom he "confided maist traistlie, his feals servands and household men."—Ap. Ep. RR. Scij. p. 358.

whilst the fluctuating and uncertain principles of the king's mind, in religious matters, displayed in contradictory expositions, rendered it very uncertain whether those victims suffered from mistaken principles of policy, or the workings of superstition and bigotry. The block was equally fatal, and some victims were sacrificed in a manner as shocking as ever stained the hands of tyranny. The breach of matrimonial faith, after a series of twenty years in the most consummate conjugal felicity, was punished amply in this life by infidelity and the tortures of a jealous mind, by the fatality which snatched from him the enjoyment of increasing affection, and by the sorrows of embittered aversion. But as the most momentous events in the hand of Providence are frequently brought about by involuntary agents, and consequential good proceeds from momentary evil, so there was not the least spark of patriotic principle in Henry's heart, conducing to abolish the authority of the See of Rome, or one breath of virtue to inspire the wish of extinguishing that supremacy, which for so many ages had impoverished the state, and weakened the hands of government. To gratify his vices, to indulge his passions, and to maintain a determinate will, he pursued his project, redeemed his crown from a vassalage of the most inglorious nature, and his kingdom from grievous oppression. The dissolution of religious houses proceeded from maxims equally unconnected with principle; he neither took the trouble to consider what effect the existance of those foundations had on the state, nor what benefit posterity and their liberties would reap from their fall: The momentary idea of gain was all he cherished, and the maintenance of his authority the only maxim, which urged him more than lucre. When we see his arguments on religious tenets, we are astonished at his erudition, his perspicuity, and specious piety; but his life demonstrates these were only visions of the mind, which never reached his conduct. In no æra, of this or any other country, do we discover so many good effects derived from such bad purposes.

Henry's only son succeeded to the throne, at the age of nine years, by the title of Edward the Sixth. In the list of regents appointed by the late king, we see our prelate's name: At the beginning of Edward's reign, he was one of the privy council, and of the king's council in the north. The first effect we observe of the new government was an abatement of the rigour of the six articles, and a visitation ordained, under which the advancing reformation gained new vigour, the commissioners being armed with certain articles of injunction, for the tenor of which the rea-

der is referred to Fox, Fuller, Heylin, Sparrow, and Collier; only observing, that Bonner bishop of London, and Gardiner bishop of Winchester, refused to comply therewith.

The Scots now appearing turbulent, and unwilling to maintain the articles of peace, induced the English regency to march an army northward. An engagement happened near Musselborough on the 10th of September, in which the Scots had a disgraceful rout, losing a number of men almost equal to their adversary's whole force. Various movements were made by the victorious army to harass the enemy; and, on their return towards Berwick, Roxburgh was made tenable, and the command thereof, with a garrison of three hundred men, given to Sir Ralph Bulmer. Whilst the army lay in this neighbourhood, the protector knighted near fifty in the field, among whom was Sir Ralph Vane, then lieutenant of horse.*

On the fourth of December the parliament sat, and our prelate was dismissed the council board. Collier says, "The reason of "this removal, it is probable, was to weaken the character, and "make the opposition of Tunstall in the progress of reformation "less significant in the house of lords." This parliament gave to the king all the lands of chantries, chapels, and colleges, unpossessed by his father: Bishop Tunstall was one that voted against this act. In the year 1548 the council made several regulations in church offices, and forbade the carrying of candles on Candlemas-day, ashes and palms on the respective Sundays, and the rites used on Good Friday and Easter-day. Confession was left to people's choice†.

Government was not only harassed with an expensive prosecution of the Scottish war, but various insurrections appeared in the kingdom, fomented by discontented men, who had but momentarily acquiesced in, and not submitted to, the rules of state touching the reformation: But the commotions were all quelled in the same year they were formed; and, fortunately, a peace was concluded with Scotland, under some of the articles of treaty with France, in the year 1550.

* Patten.

† The parliament assembled on the 23d Jan. 1552, declared the marriage of priests good and valid. Altars were ordered to be removed from churches, and tables placed in their room. The Oxford libraries were ransacked by the visitors. Merton college had almost a cartload of manuscripts carried off, and thrown away to the most scandalous uses; These books were written on the subjects of divinity, astronomy, and mathematics, by some of the most eminent of that society: Great heaps of those books were burnt in the market-place. The public library, made up in a great measure of the books given by Bury bishop of Durham, Cobham bishop of Winchester, and Humphrey duke of Gloucester, underwent the same fate. And thus an almost inestimable collection, both for number and value, were either seized by the visitors or destroyed.—Collier, vol, ii. p. 307.

Bishop Tunstall in all points paid obedience to the law, and to all the injunctions that were made by the authority of the legislature; but on every occasion in parliament, as bishop Burnet says,* was against the changes in religion, which he thought he might with a good conscience submit to, though he could not consent to them. †"At length some of the courtiers, coveting the "revenues of his rich bishopric, took the advantage of an accu- "sation of misprison of treason brought against him, for which "he was committed to the Tower, on the 20th of December "1551." In the minutes of the council-book, the transaction stands thus noted: "20th May, 1551, the bishop of Durham "is commanded to keep his house.—August 2d, he had licence "to walk in the fields.—December 20th, Whereas, the bishop "of Durham, about July 1550, was charged by Ninian Menvill "to have consented to a conspiracy in the north, for the making "a rebellion. And whereas for want of a letter written by the "said bishop to the said Menvill, whereupon great trial of this "matter depended, the final determination of the matter could not "be proceeded unto, and the bishop only commanded to keep "his house; the same letter hath of late been found in a casket "of the duke of Somerset's, after his last apprehension. The "said bishop was sent for, and this day appeared before the "council, and was charged with the letter, which he could not "not deny, but to be his own hand-writing; and having little to "say for himself, he was sent to the Tower, there to abide till he "should be delivered by process of law." Collier says,‡ he offered "to purge himself, but in what manner, or upon what arguments, "the records does not mention; it is only said, his answer was "deemed insufficient." "The parliament‖ sitting on the 28th "of March, a bill was brought into the house of lords to attaint "him of misprison of treason. Archbishop Cranmer spoke "warmly and freely against it, not satisfied, it seems, with the "charge which was laid; however, the bill passed, being greatly "hurried through the house of lords, and read on March 28th, "29th, and 31st, the archbishop protested; but when it came "down to the commons, they were not satisfied with the evidence "which consisted of bare depositions of witnesses, but required "that the accusers might be brought face to face; and so it went "no further. When he could not be ruined in a parliamentary "way, means were contrived to do it in a more private and effec- "tual manner; for that purpose a commission was granted, 21st "September 1552, to seven persons, empowering them to call "before them Cuthbert bishop of Durham, and examine him of

* Vol. ii. p. 194. † Biographia Britannica. ‡ p. 324. ‖ Biog Brit. p. 3982.

"all manner of conspiracies, &c. and, if he were found guilty, "to deprive him of his bishopric. Accordingly he was deprived, "either on the 11th or 14th of October, and remained a prisoner "in the Tower all the rest of Edward's reign. Upon his depri- "vation, the bishopric was offered to Dr Robert Horne, dean of "the same church, who refused to accept it; next to Nicholas "Ridley, bishop of London." Collier on this occasion says,* "As for Ridley, he was actually translated from London to "Durham; for in the instrument by which Bonner was restored "to the See of London, in the next reign, it is set forth, that the "bishopric of London was then void by the translation of Ridley "to Durham, upon the deprivation of Tunstall by Edward VI. "And thus Bonner was re-invested without pronouncing Ridley "deprived of the See of London. But on the contrary it appears "by the register, that Ridley was deprived of the bishopric of "London for heresy and sedition."†

To proceed with the account in the Biographia Britannica: "Then a project was formed of dividing the bishopric into two, "by founding a new one at Newcastle; but that design did not "take effect, nor very probably was it ever intended it should: "For though that is mentioned in a private act of parliament, "in March, 1552–3; yet, in April, 1553, being converted into "a county palatine, it was given to the ambitious John Dudley, "duke of Northumberland." Sir John Harrington says, "This "See was once dissolved by act of parliament in the minority of "Edward VI. what time the two new dukes of Somerset and "Northumberland, like the soldiers that cast lots for Christ's "garment, divided between them *patrimonium crucifixi*, namely, "the two good bishoprics of Bath and Durham, one being de- "signed as a seat for the western duke, the other for the northern: "and whereas, by an old metamorphosis, the bishop of Durham "had been earl of Northumberland, now, by a new apotheosis, "the duke of Northumberland would have been bishop of Dur- "ham: But *qui des pexit de cælo deridebat eos.* That invisible "hand that wrote on the wall while Belshazzar was quaffing in "in the holy vessels; that hand, though invisible, weighed these "petty monarchs in the balance of God's judgments; found them "too light; and because they should not grow too long, they "were cut shorter by the head."‡ Rapin's account of this mat- ter stands thus: "In the parliament met on the first of March, "1553, the duke of Northumberland procured an act for sup- "pressing the bishopric of Durham, having first caused Tunstall

* Vol. ii. p. 335. † Harmar, p. 120.

‡ A Brief View of the State of the Church of England, &c. London, 1653, 8vo. p. 204.—Biog. Brit. vol. vi. p. 3983.

"to be deprived.* The bishopric being suppressed, the king "founded two others; one at Durham with 2000 marks revenue; "and another at Newcastle, with 1000 marks revenue: But the "temporalty of the bishopric being turned into a county palatine, "was given to the duke of Northumberland; and probably "Tunstall was deprived, and the See suppressed for that very "purpose."† There are palpable errors in these accounts. In the first place, there are no records in the Durham archives, to prove that Ridley was ever appointed to the See of Durham; much less that he had installation, and restitution of the temporalities. The preamble of the act for suppressing the bishopric of Durham sets forth, "That the See being then void, the dis- "posal of it was in the king; that the extent of it was too large, "and reached to so many distant shires, that it could not be "well governed by one bishop; and since the king, out of his "godly disposition, was desirous to have God's holy word "preached in these parts, which, for lack of good preaching and "learning, were grown wild and barbarous: His majesty there- "fore intended to have two bishoprics for that diocese; one at "Durham, which should be endowed with 2000 marks annual "rent; and another at Newcastle, which should have 1000 marks "revenue: And also to found a cathedral church at Newcastle, "with a deanry and chapter, out of the lands of the bishopric. "The bishopric therefore of Durham is utterly extinguished and "dissolved, and authority is given for letters patent, to erect the new "bishoprics, together with a deanry and chapter at Newcastle; with "a proviso, that the deanry, chapter, and cathedral of Durham "should suffer nothing by this act."‡ Collier observes,‖ "These "new erections were mentioned, in all likelihood, for a colour, to "smooth the way for the dissolution bill, and cover the duke of "Northumberland's designs. Had there been a different design "at the bottom, the new erections would have been pursued, and "the act taken its effect; this had been no more than a just de- "ference to the legislature: But this provision was in a great "measure overlooked, and the mask pulled off in a short time; for "in May following, the temporalities of the bishopric were secu- "larised, turned wholly to a county palatine, and granted to the "duke of Northumberland. That the duke had a prospect and "a promise too of the temporalities of this See, is very likely; "but that the grant was executed in form of law, is more than

* He was deprived 14th August 1552. Strype, vol. ii. p. 367.—The bill for dissolving this bishopric was first read on the 21st of March, and for the second and third times on the 22d and 29th. Journ. Parl.

† Vol. ii. p. 25. ‡ Burnet, part 2d, p. 215. ‖ Vol. ii. p. 334.

"appears." The death of the king, it is most probable, put a stop to the design.*

Another act passed the same year,† whereby the town of Gateshead was annexed to Newcastle, and severed from the bishopric of Durham; the inhabitants thereof to continue their common in the bishopric of Durham, and wood in Gateshead park for the reparations, and that the liberties of the bishop of Durham should continue.

The duke of Northumberland had such prevalence over the the mind of the young king in the disturbed moments of his sickness, that it is said he could obtain of him what he pleased. From the blindness and folly of his ambition, he got certain instruments signed by the king, to settle the succession of the crown on his daughter-in-law, the lady Jane Gray; the obvious operation of which unconstitutional act, to every reasonable mind, after his majesty's death, was to bring all the parties to the scaffold; and so it terminated; the most amiable female being involved in the ruin her father's pride was deservedly rewarded with.

The young king was seized with a defluxion in his lungs, under which he languished to the 6th of July, when he expired. He displayed a great vivacity and quickness of genius, had acquired much school learning, and spoke several languages: He was a prince of good hopes, of a virtuous mind, and generous principles, which occasioned his death to be much lamented.

After nine days dignity, the lady Jane was divested of regalities; and Mary, the eldest daughter of Henry VIII. ascended the throne, and was proclaimed queen on the 19th of July, 1553. All the bishops deprived in the last reign were restored, and Tunstall was released from the Tower on the 5th of August. A commission‡ issued on the 1st of September, to hear and deter-

* The duke after this act, or perhaps after Tunstall's deprivation in the preceding October, had taken possession of Durham house; for there the marriage of the fourth son, lord Guildford Dudley, with lady Jane Gray, together with the marriage of Lady Jane's two sisters, and of Northumberland's daughter, were celebrated on the 21st of May. The duke was made steward of all the honours, castles, lordships, and lands, in the counties of Northumberland, Westmorland, and York, or any other where in the bishopric of Durham, for life. This grant is dated April 1553.—Strype, vol. iii. p. 422, 507. He also had a gift of the town of Alnwick in Dec. 1551.—Strype, p. 499.

† 1553, 7 Edw. VI. cap. 10.

‡ Marye by the grace of God, &c. to our right trustie and right well-beloved cousyn and counsayllour Henry erle of Arundell, and to our trustie and well-beloved Sir John Baker knight, Sir Edwarde Carne knight, Sir Richarde Southwell knight Sir Thomas Moyle knight, Richarde Morgan sergaunte at lawe, Davye Poole doctour of the lawe, and Henry Cole doctour of the lawe, and William Armstyed chanon of the cathedrall churche of Saynt Pawle London, greating.

Whereas Cuthbert busshop of Duresme hathe made complaynte unto us that of late our moost dearest brother of famous memorye, Edwarde the Sixte (whose sowle God pardon) graunted his commission to Sir Roger Cholmeley knight then chief justice,

mine an appeal entered by the bishop against the act of Edward's commissioners, by which he was deprived; and on a return thereto,

Sir Richarde Reade knight then one of the mistres of the requests, John Gosnolde esquyer then solycitour generall, Rychard Goodrick esquier then attorney of the court of the augmentations and revenues of the crowne, Robert Chidley esquyer then attourney of the court of firste fruyts and tenthes, Wylliam Stamford esquier and Rychard Lyell doctour of the lawe, upon wrong information made to hym against the said busshopp, commaunded the said commissioners to procede against the said busshopp as a conspiratour against our saide late brother and his realme, giving full power and auctorite to all the above named seven, six, or fyve of them, to make processe and inquiries of all maner of conventicles, conspiraces, contempts, trespasses, and other offences as they, by the lawes ecclesiasticall and temporall, by their wisdomes and learning shulde think juste and reasonable; who being all temporal men, unjustly proceading contrary to the said laws against the said busshopp, then being a prisoner in the Tower of London, and not having libertie graunted to have counsail nor tyme convenient to make his answeare, or to laye in his justification, proceded to the giving of an unjust sentence agaynste hym, whiche sentence is not vayleable in the lawe, but a sentence bothe unjuste, and in lawe of none effect, depriving hym of his busshopriche, after dyvers and many protestations of dyvers greves doon unto hym, and appeale made upon the same, not onelye *apud acta*, but also in tyme convenient before witnesses, sythens which tyme, he hath remayned still by commaundment in close prison during the lieff of our saide late brother, not suffered to sue his saide appeal unto nowe of late, that he being enlarged out of close prison, made suyte unto us to have his said cause of nullitie and appeale to be commytted and harde, by suche commissioners as we shulde thinke convenyent to hear, and finally to determyn the said cause of the pretensed sentence of his deprivation, and his appeale from the nullytye and iniquitie of the same: We therefore being determyned to have justice to procede in our realme, and that none of our loving subjects shall be oppressed and excluded from the benefite thereof, of our own mere mocyon and certeyn knowledge, will and commaunde you, nyne, eight, seven, sixe, fyve, four, or three of you, to procede to the hearing of the said cause of nullytie and appeale, with all matters and causes annexed, incydent, emergent, or dependyng of the same, or any parte thereof, *ex officio mero mixto vel promoto, omni appellatione remota, summarie & de plano, absque omni forma & figura judicii, ac sola facti veritate inspecta, diebus etiam ordinariis, & extraordinariis in quibus jus reddi non solet:* Willing that, whiche by any nyne, eight, seven, sixe, fyve, foure, or three of you shal be begon, shall and may from tyme to tyme be contynued and ended by any of the same, or any other of you nyne.

And such persons as you shall sende for and commaunde, to appere before you concerning thies matters, and chiefly Maister William Saye, the auctuarye of the said pretended processe, to bring before you all and every the said acts, processe and sentence, hoolye by you, all you or three of you, to be perused, if he or they appere not, or appearing obey not your precepts, we give you full power and auctoritie to ponyshe theym and compell theym, as well by imprisonment, as by suche wayes and meanes as to you, nyne, eighte, seven, sixe, fyve, foure, or three of you, as is aforesaide shall seme convenient: And finallie, if ye shall fynde cause reasonable, to appear before you, that the sentence gyven against the said busshoppe, is not vayleable in the lawe but a sentence voyde in lawe, and injustlye gyven, contrary to th' ordre of the lawe, to restoore hym to his busshoppriche hoolye, and all attempts made or doon after the said pretended sentence, or after the appeale from the same, to be revoked, and to be pronounced by you by a sentence diffinityve, that his appeale or complaynte from the said pretended sentence is juste and made of good causes, and he by the same to be fully and whollye restored to all the rents, revenues, and fruyts of his busshoppriche; or els, if ye shall finde the contrairie, to pronounce his appeale and complaynte not good.

an act of parliament was founded, for confirming the queen's letters patent, for re-erecting and establishing the bishopric of Durham, and for re-uniting Gateshead thereto, and restoring bishop Tunstall to the See. King Edward having granted away great part of the lands of this bishopric, which parliament had confirmed, the house of commons knew not well how to get over this fact; but bishop Tunstall himself coming into the house, and laying before them the hardships he had met with from the duke of Northumberland, after many warm debates, the bill passed by a division of 201 against 120, with this title, "An act for the "repeal of two several acts made the 7th of Edward VI. touching "the dissolution of the bishopric of Durham."* This act met

And seyng the saide busshop was restrayned from his liberty, beyng in close prison as is aforesaid, to restore hym to all advantage of processes that he might have hadd, if he had been at libertie, and the lapse of any tyme for lacke of intimation of his appeale, or not pursuyng of the same, not to be imputed unto hym; commanding and straightly charging, all and singular our mayers, shireffs, bailleiffs, and other our ministers whatsoever, to be attending, ayding, and assisting to you in the doing of the premises. In witness whereof, &c.——*Per ipsam Reginam.*——Rymer, vol xv. p. 334.

* Maria, Dei gratia Angliæ Fraunciæ et Hiberniæ regina fideï defensor, &c.—Omnibus ad quos præsentes literæ pervenerint salutem. Inspeximus quoddam breve nostrum de certiorand. dilecto et fideli consiliario nostro Johanni Mason militi, et Francisco Spelman clericis parliamentorum nostrorum direct. et in cancellariam nostram retornat. et in filaciis ejusdem cancellariæ nostræ residen. in hæc verba. Maria, Dei gratia Angliæ et Franciæ et Hiberniæ regina fidei defensor. dilecto et fideli consiliario suo Johanni Mason militi et Francisco Spelman clericis parliamentorum suorum salutem. Volentes certis de causis certiorari super tenore ejusdem actus parliamenti epat. Dunelm. concernen. in ultimo parliamento nostro tento apud civitatem nostram Westmonaster, secundo die Aprilis ultimo præterito editi, Vobis mandamus, quod tenoreactus prædic ti cum omnibus eum tangentibus nobis in cancellariam nostram sub sigillis vestris vel unius vestrum distincte et aperte sine dilatione mittatis et hoc breve. Teste meipsa apud Westmonasterium xix. die Maii anno regni nostri primo.

Inspeximus etiam retorna brevis prædicti in dorso ipsius insertum in hæc verba executio istius brevis patet in schedula huic brevi annexa.

Inspeximus insuper tenorem actus prædicti nobis in cancellariam nostram pretextu dicti brevis nostri missum et in silaciis ejusdem cancellariæ nostræ similiter residen. in hæc verba. In parliamento incohato et tento apud Westmonasterium secundo die Aprilis anno regni serenissime atque excellentissime dominæ nostræ Mariæ Dei gratia Angliæ Franciæ et Hiberniæ regniæ fidei defensatricis primo, et ibidem continuat. usque in quintum diem Maii anno dicto, quo die præsens parliamentum dissolutum fuit communi omnium procerum et populi assensu ac dictæ dominæ nostræ reginæ tum presentis consensu sancitum stabilitum et inactitatum est, ad verbum, prout sequitur.

Where there hath been tyme out of mynde of ani man to the contrarie a See of a bishop of Durham within the north partes of this realme of Englande, commonly called the bushopricke of Durham, whiche hath bene one of the most ancientest and worthiest bushopricks dignities and promotions spirituall within the said realme, and the saide place rome and dignitie always supplied and furnished with a man of great learninge and virteus the which was both to the honor of God and the encrease of his trew religion, and a great suretie to that part of this realme: Nevertheless the saide bushopricke in the parliament begonne at Westminster the first daie of Marche in the seventh yere of the reigne of our laite soveraigne lorde of famous memorie kinge

with great opposition from the corporation of Newcastle and others; but in order to take the same off, the bishop promised to grant

Edward the sixth now deceased, and there holden and contynued unto the dissolution of the same, was without any just cause or consideration by authoritye of the saide parliament dissolved extinguished and determyned: And further by the auctoritye of the saide parliament, it was ordeyned and enacted that the said bushoprick, together with all the ordinarie jurisdictions thereunto apperteyninge, shoulde be adjudged from the saide firste daye of the saide parliament, clerely dissolved, extinguished, and determyned; and that our saide lait sovereigne lorde the kinge should from thenceforth have hold possede and enjoye to him his heires and successors for ever, all and singuler honers, castells, mannors, lordshipes, grainges, wastes, lands, tenements, medowes, pastures, rentes, revertions, services, woddes, tythes, pentions, portions, parsonages appropriate, vicaridges, churches, chapells, advowsons, nominations, patronages, annuities, rightes, interest, entrees, conditions, commons, leetes, courtes, liberties, priviledges, franchises, and other hereditaments whatsoever, whiche did apperteine or belonge to the saide bishopricke, meaning to be the saide lait bushop, the reverend father in God Cuthbert Tunstall now bushopp of the saide bushopricke, who was then supposed to be depryved thereof, or any of his predecessors bushops there, held or occupied, or of right ought to have holden or occupied in the right of the saide bushopricke, together with all the issues and profits resting, cominge, and growinge of the premisses, and of anie parcell of the same, from tho tyme supposed avoidance of the said bushopricke. And further, it was by th'auctority of the saide parliament enacted, that all and singuler the saide honors, castells, mannors, landes, tenements, and other the premises, should be adjudged and demed in the reall and actuall possession of our saide laite sovaraigne lorde the kinge, without any office or other inquisition therein to be had and taken, as in and by the saide act of parliament amongest other things plainly doth and maye appere.

And where also in the saide parliament, by one other act of parliament, it was ordeyned and established by authority of the same, that the towne of Gatishede, and all the inhabitants of the said towne that then were, or hereafter should be, and a parcell of grounde called the Salt Meadowes joyninge to the saide towne of Gatishede, and harde upon the river there, and the whole water and bridge belonginge or apperteyninge to the saide towne of Gateside, then being parcell of the possessions of the saide bushopricke, and also of the liberties and countye palantyne of Durham aforesaide, should be from thenceforthe severed and devyded from the said bushoprike, and from the liberties and countye palantyne of the same, and from thenceforthe should be united and annexed unto the towne of Newcastle upon Tyne, and to be taken, deemed, and judged to be within the countye and shire of the saide towne of Newcastle upon Tyne, and to be reputed and taken as parte parcell and member of the said towne of Newcastle; and that the inhabitants of the saide towne of Gateside should be under the rule, government, and correction of the major and burgesses of the saide towne of Newcastle, as other inhabitants of the saide towne of Newcastle then were, or of right ought to be, as in and by the saide other act amongst other thinges more at large doth and may appere.

The whiche several acts and statutes were compassed and brought to passe in the tender yeres and minoritye of our said lait soveraigne lorde the kinge, by the sinister labour, great malice, and corrupt meanes of certain ambitious personnes then being in aucthoritye, rather for to enriche themselves and their friends with a great parte of the possessions of the said bushopricke, then upon just occasion or godly zeal: And although the said deprivation of the saide reverend father from the saide bushopricke, proceeded only upon untrue surmises and false accusations of suche as were partly entised and provoked thereunto, by the synister and corrupt labours of the saide ambitious personnes, as it hath fithen upon deliberate and mature examinations of the cause of the saide deprivation, before divers of the quene's highness commissioners, by force of hir highness commission, manifestly and plainly appeared: Whereupon the saide sentence

the corporation a long lease of a parcel of land called the Salt Meadows, and the tolls of the town of Gateshead, and which, on

of deprivation pronounced against the saide bushop, is clearly repealed, reversed, and made frustraite, to all intentes and purposes, as by a certaine instrument authenticke more at large doth appeare.

And albeit also, it hath pleased the quene's most excellent majestie, of hir most godly zeale and vertuous disposytion, to erect and establishe againe by her most gratious letters patent, the saide bishopricke of Durham, and hath endowed also the same with all suche honors, manors, landes, tenements, and hereditaments, as were in hir highness handes and possession, by force of the saide two several acts; and hath by the saide letters patent, given and disposed the said bushopricke and the said possessions unto the saide reverend father in God Cuthbert now bushop of Durham and to his successors: Yet the saide reverend father in God Cuthbert now bushop of Durham, notwithstanding the repeale of the said sentence of deprivation, cannot by vertew thereof, nor by force of the saide letters patent, have, possess, and enjoye to him and his successors, all and singular honors, manors, landes, tenements, privileges, royalties, liberties, franchises, and other hereditaments, the whiche did belonge unto the saide bushopricke before the makeinge of the saide two severall acts, in as large and ample mannner as he did, or ought or should have done, if the saide two severall estatuts had not bene maid, for that the saide two severall estatuts remayne yet in there perfect estate and effect.

In considerationе of all whiche premisses, be it therefore enacted, ordeyned, and established, by the queene our soveraigne ladie, by th' assent of the lordes spirituall and temporall, and the commons in this present parliament assembled, and either of them, that all and everie branches, articles, sentences, clauses, and matters in the saide several estatutes or acts of parliament, and in either of them conteyned, shall be from henceforth adnihilated, repealed, and utterly voide and of none effect, to all intents constructions and purposes, as well against our saide soveraigne lady the quene her heires and successors, as against all other personne and personnes, bodies politique and corporat, and everie of them, as though the saide several estatuts or acts of parliament or either of them had never bene had or made, any thinge or things in the same acts or either of 'em conteyned to the contrary thereof in any wise notwithstandinge.

And be it also further ordeyned and enacted by th' authoritye aforesaide, that there shall be as well from the last daie of Februarye in the seventh yere of the reigne of our saide laite soveraigne lorde, as from henceforthe, a bushopricke and see, named and called by the name of the bushoprick of Durham; and that the saide bushopricke of Durham before extinguished by force of the saide first act of parliament, shal be nowe by th'auctoritye of this present parliament, fully and wholy receyved, erected, and have his being, in like maner and forme to all intents and purposes, as it was of old tyme used and accustomed, before the makeing of the saide severall actes or either of them, and as thoughe the saide severall acts or either of them had never been maid.

And that there shall from the saide last day of Februarye, in the saide seventh yere, and nowe from henceforthe, contynew and be annexed, united, incorporated, and joyned to the same bushopricke, as well all and singuler the same episcopal, ecclesiasticall, and ordinarie jurisdictions, pre-eminences, dignities, and authorityes, as all and singuler suche and the same temporall authorities, pre-eminences, jurisdictions, liberties, franchises, prerogatives royall, jura regalia, county palantyne, rights, titles, and interests of what natures, kindes, sortes, and qualities soever they be.

And that also there shal be united, annexed, incorporated, and joyned unto the saide bushopricke, as well the saide towne of Gateside, the saide Salt Meadowes, water and bridge, as all and singuler honors, castells, manors, lordships, grainges, meases, landes, tenements, medows, pastures, rents, reversions, services, woddes, tythes, pensions, parsonaiges, appropriated vicaridges, churches, chappels, advowsons, nominations, patronaiges, annuities, entres, conditions, commons, leetes, courtes, forfetures, amerciaments, and other possessions and hereditaments whatsoever, whiche were belonginge or apperteyninge to the saide late bushopricke, or were parte parcell or member of the possessions of the saide laite bushopricke, the xijith daye of Semptember in the sixt yere of the reign of our saide laite soveraigne lorde the kinge, the saide several estatuts

the 22d of March, 1554, was accordingly granted for the term of 450 years, and confirmed by the chapter.*

or acts of parliament, or anie thinge in them or either of them conteyned, or any graunts, letters patent, confirmations, exemtions, or other divises, maide by our saide laite soveraigne lorde the kinge fithen the xiiith daye of September in anye wise notwithstandinge.

And be it further ordeyned and enacted by th' auctoritye aforesaide, that the saide reverend father in God Cuthbert Tunstall now called bushop of Durham aforesaide, shall, as well from the saide xiiith daie of September in the saide sixth yeare of our saide lait soveraigne lorde the kinge, as from henceforthe, be deemed, taken, and adjudged bushop of the said bushopricke of Durham: And also that the saide reverend father in God shal have, hold, possede, and enjoye, to him and his successors bushops of Durham aforesaide, as in the right of the saide bushopricke for ever, all and singuler the saide episcopall, ecclesiasticall, spirituall, and ordinarie jurisdictions, pre-eminences, dignities, and authorities, and the saide town of Gateside, Salt Meadowes, water and bridge, and all and singular the saide honors, castells, mannors, lordships, graunges, meases, landes, tenements, meadowes, pastures, rents, revertions, services, wodes, tythes, pensions, portions, parsonaiges, appropriated vicariges, churches, chapells, advowsons, nominations, patronaigs, anuities, rightes, interests, entrees, conditiones, commons, leetes, courtes, liberties, priviledges, franchises, prerogatives royall, countye palatyne, jura regalia, forfaitures, and all other possessions and hereditaments whatsoever, in as large and ample manner and forme, to all intents purposes and constructions, as the said reverend father in God as bushop of the saide lait bushopricke of Durham aforesaide, had held or enjoyed, or ought or might lawfully have had holden or enjoyed the same, on the saide xiijth day of September, in the sixth yeare aforesaide, the said supposed deprivation pronounced against him, or the said several estatuts or acts of parliament or either of them to the contrarye notwithstandinge.

And that the saide reverend father shall and may have, levy, take and receyve, to his only use and profittes, all the rents, revenewes, issues, commodities, emoluments, casualties, and profites whatsoever, of such personne or personnes, and in whose handes soever the same remayne, which have comen growen or risen, of for or by reason of the saide bushopricke and other the premisses, or of any parte or parcell of the same, fithens the saide xiijth daye of September.

And that he shall have all and singuler the same and like advantaiges, remedies, actions, and suites, for the levyinge, recovery, and obteyninge of the saide rentes, revenewes, issues, commodities, emoluments, casualties, and profits, as the saide reverend father should have had or used, for the recovery, leveying, and obteyninge of the same, if the same bushopricke had still contynued and had his being, and in his handes and possession as bushop thereof, and as thoughe the saide supposed deprivation, and the saide several acts or estuts or either of them had never bene had or maide.

And be it further enacted by th' auctority aforesaide, that as well all and singuler the foresaide episcopall, ecclesiasticall, and ordinarie jurisdictions, pre-eminences, and authorities, as the saide temporal jurisdictions, authorityes, honors, castells, mannors, lordships, grainges, meases, landes, tenements, rents, revertions, services, advowsons, parsonaigs, patronaigs, tythes, pensions, rights, entrees, conditions, jura regalia, liberties, prerogatives royal, county palantyne, franchesies, and hereditaments, and the saide towne of Gatished, and all other the premisses, with all and singuler their appurtenances, shall be adjudged and deemed to be in the actuall and reall possession and season of the said reverend father Cuthbert Tunstall as bushop of the saide bushopricke of Durham, against our saide soveraigne ladie the quene, her heires and successors, as against all other personne or personnes, bodies politique and corporate: And that the saide reverend father shall be adjudged and demed incumbent and bushop of the saide bushopricke alwaies, from the saide xiiijth daie of September hitherto, as thoughe the saide actes or act of parliament, deprivation, or any other lett, occasion, or impediement, had never bene had, maide, or done.——And be it further ordeyned and enacted by th'authoritye aforesaide, that as well the saide reverende father, his executors and administrators, as the saide bushopricke, shall be discharged

* See Gateshead, vol. ii.

The words of the act of restoration are ample, and carry great force: "That the bishopric of Durham, before extinguished,

against our saide soveraigne ladye the quene her heires and successors of the first fruits of the saide bushopricke, and the possessions of the same by reason of this act or estatute. SAVINGE to all and everie personne and personnes, bodies politique and corporate, and their heirs and successors, and th'eires and successors of evrie of them, other then our saide soveraigne ladie the quene her heirs and successors, and the major and burgesses of the saide towne of Newcastle upon Tyne, and their successors, assignes, and suche personne and personnes as pretend to have any of the foresaide mannors, landes, tenements, rents, anuityes, offices, commons, liberties, and other hereditaments, or any of them, or of any parte or parcell of them, or any rentes, offices, fees, or other profites, goeing or issueing out of the saide mannors and other the premisses, or of any parcell of them, or any title or interest in or to the same, by the gift, graunt, or graunts of our saide laite soveraigne lorde the kinge Edwarde the sixt, or by his letters patent or patents, or by the gift, graunt, or graunts of the saide major and burgesses, or of some of them; and other then suche as clame by or under the title of our saide laite soveraigne lorde the kinge, by reason of the saide acts of parliament or either of them, sithens the saide xiijth daye of September, all such righte, title, interest, possession, rentes, charges, tenements, services, anuites, leases, fermes, offices, pentiones, portiones, lyvings, lyveries, corrodies, commons, liberties, franchiess, fees, sinodes, proxies, and other profitts, which they or any of them have or maye clame, ought, maye, or might have hade, in or to the premisses, or any parte or parcell thereof, in suche like manner, forme, and condition, to all intentes, respectes, constructions, and purposes, as they had enjoyed, might ought or should have had or enjoyed, before the saide xiiijth daye of September, in the sixth yeare abovesaide, and as if the saide acte of parliament, or estatuts had never been had or made.

Provided alwaies and be it further ordeyned and enacted by th'auctority aforesaide, that our soveraigne ladye the quene, her heires and successors, shall at all and everie tyme and tymes, when the said bushopricke shall hereafter become voide, have the nomination, preferment, and gift of the saide bushopricke, in like manner and forme as hir highness hir heirs or successors maye or ought to doe with any other bushopricke within this realme: And also shall, from the saide xiiijth daye of September, in the saide sixt yeare, have yearly the tenthes of the premisses, and suche other like rentes, services, commodities, and profitts, as should have bene paide, done, or maide from the premisses or any parte thereof, to our saide laite soveraigne lorde the kinge, or to our saide soveraigne ladie the quene, as if the saide bushopricke had still continued in his being not dissolved; and as thoughe the saide reverend father had still contynued bushop thereof: And that at every avoydance of the saide bushopricke from henceforthe, our saide soveraigne ladie the quene hir heires and successores shall have the meane profitts of the saide bushopricke dureing everie vacation thereof, and the firste fruites of the saide bushopricke, and of the possessions thereof, in like maner and forme as hir highness or hir heirss or successors shoulde or ought to have had for the saide bushopricke, and as if the saide bushopricke had never bene dissolved or extinguished, anie thinge or thinges in the said two former acts of parliament, or in either of them, or in thys present act of parliament conteyned, to the contrarye thereof in any wise notwithstandinge.

Provided alwayes and be it further ordeyned and enacted by the authority aforesaide, that this present act of parliament, and any thinge therein conteyned, shall not by any maner of meanes extend to restore unto the saide reverend father and his successors bushops of Durham aforesaide, *one capitall messuage or mansion house called Colde-herborow sett and beinge in Thames street in the parishe of Alhallowes the less within the citty of London*, or to the howses, buildings, landes, gardeyns, orchards, commodities and profits to the saide capitall messuaige belonginge or apperteyninge; *or to five messuages or tenements*, with all sellers, sollars, shoppes, gardings, and orchards thereunto belonginge with their appurtenances, sett and beinge *in the parish of Athallowe Barking within the said cittie of London; or to three messuages or tenements* with

"shall be now, by the authority of this present parliament, fully "and wholly revived, erected, and have its being in like manner "and form, to all intents and purposes, as it was of old time used "and accustomed."

Soon after Bishop Tunstall's restoration, the queen granted the patronage of all the prebends of the cathedral to him and his successors, which was before in the crown.*

cellers, sollers, and gardeins thereunto belonginge, with their appurtenances, set and beinge in the parish of Graschurche London aforesaide, or anie of them: All which saide capitall messuaige and other the premisses, sett and being within the saide cittie of London, were in the possession or occupation of the saide reverende father, or his assignes, the saide xiij daye of September, in the saide sixt yeare of the raigne of our saide lait soveraigne lorde the kinge; nor that this saide act, or any thinge therein conteyned, shall not in any wise extend to unite and joyne the saide capitall messuage, and other the saide meases, tenements, and other the premisses sett, lying and being in the saide cittie of London, to be parte, parcell or member of the saide bishopricke of Durham; nor shall in any wise be hurtfull, or prejudiciall unto Francis nowe erle of Shrewsbury, his heires or assignes, but that the saide erle, his heires and assignes, shall and may have, hold, and enjoye the same capitall messuage or mansion house called Colde-herberow, and all other the saide messuages, howses, tenements, and hereditaments, and everie parte and parcell of them last before remembered, sett and beinge within the saide cittye of London, against the saide bushop and his successors, in as large and ample manner and forme, as the saide capital messuage and other the saide premisses within the saide cittie, sithens the aforesaide tyme of the dissolution or extinguishment of the saide bushopricke, were given and graunted unto the saide earle, his heires and assignees, by our saide laite soveraigne lorde king Edward the sixt, by his letters patents, under his greate seale of Englande, according to the true purport, intent, and effect of the saide letters patent; and in like maner and forme, as he or they shoulde or might have done, if this present act had ever bene had or made, anye thinge conteyned in the saide act, to the contrary notwithstandinge.

In recompence, and for the satisfaction of the whiche house called Colde-herberowe, and of other the saide landes, tenements and hereditaments, soe given and assured to the saide erle of Shrewsbury, the saide reverende father in God most humbly besecheth the quenes most excellent majestie, that it may like, the same to assigne, give, and dispose unto the saide bushop, and to his successors, suche other house, landes, tenements and hereditaments of like valew and goodness, as shall seme unto hir highness to he mete and convenient: The assureaunce of the whiche recompence, after it shall be limitted and assigned by our saide soveraigne ladie the quene shall be at the onely costes and charges of the saide bushop of Durham, or of his successors, anye thinge before remembered, to the contrary notwithstandinge.

Ego Franciscus Spelman ar. clericus parliamenti, virtute brevis dominæ nostræ reginæ de certiorando præsentibus annex. certifico, superius scriptum verum esse tenorem actus parliamen. in eo brevi expressi. In cujus rei testimonium præsentibus subscript. sigillum nostrum apposui xxi. die Maii, anno regni prænominatæ dominæ nostræ reginæ Mariæ primo, per me Franciscum Spelman.

Nos autem tenores brevis et actus prædictor. ad requisitionem reverendi in Christo patris, ac prædilecti et fidelis consiliarii nostri Cuthberti Dunelm. episcopi, duximus exemplificandum per præsentes. In cujus rei testimonium, has literas nostras fieri fecimus patentes. Teste meipsa apud Westmonasterium, vicesimo octavo die Maii anno regni nostri primo.

P. HARE.

Examinatur per nos
WILLIEM ERMYSTEDE } Clericos.
RICHARD LIELL }

[This act is not printed in the Statutes at Large.]

* Philippus et Maria Dei gratia rex et regina Angliæ, Franciæ, Neapolis, Hierusalem, et Hiberniæ, fidei defensores, principes Hispaniarum et Ciciliæ, archiduces

An act was also passed, on the 2d of April 1554, to enable the queen to make statutes for collegiate churches; which act sets forth, that Henry VIII. being empowered to make statutes and ordinances, did deliver, by his commissioners, certain ordinances

Austriæ, duces Mediolani, Burgundiæ et Brabantiæ, comites Haspurgi, Flandriæ et Tirolis, omnibus ad quos præsentes literæ nostræ pervenerint salutem. Quoniam præcharissimus et illustrissimus pater noster, felicis memoriæ, Henricus octavus, rex Angliæ, Franciæ, et Hiberniæ, et fidei defensor, ecclesiam cathedralem Dunelmensem, tunc regularum existentem, et sub regula divi Benedict. Magnoque conventu nigrorum monachorum regulam divi Benedicti profitentium, abundantem, qui cum essent claustrales et ad prædicandum verbum Dei per diocesim Dunelmi circumire non solebant, sicut seculares canonici aliarum regni sui cathedralium ecclesiarum ad informandum plebem diocesanum cujuscunque diocesis circumire solent, atque ideo visum sit domino patri nostro bonæ memoriæ, statum illius ecclesiæ tunc regularis, in statum ecclesiæ secularis commutare, ut verbi Dei prædicatio (ante claustro conclusa) per totum diocesim uberius ad majorem Christiani populi eruditionem et informationem diffunderetur; qua de causa, unum decanum et duodecim canonicos seculares, in ea ecclesia, sub nomine decani et capituli fundavit, ut ibi serviendum Deo residerent, hospitalitatemque decentem secundum vires terrarum et possessionem, dotis nomine, ad fundationem illius ecclesiæ sibi datarum servarent; atque inter cetera constituit ut duodicim canonicatus, et prebendæ sacerdotales, una cum decano, in ea ecclesia essent, quibus certa nomina in institutione et fundatione sua indidit, (viz.) ut unus vocaretur primus canonicatus et prebenda, alius deinceps secundus, alius tertius, alius quartus, alius quintus, alius sextus, alius septimus, alius octavus, alius nonus, alius decimus, alius undecimus, alius duodecimus, qui omnes simul una cum decano facerent unum Corpus et Collegium sub decano capite. Quarum dignitatum de novo constitutarum, (viz.) decanatus et duodicim canonicatuum et prebendarum patronatum nominationem et præsentationem sibi hæredibus et successoribus suis, in fundatione sua retinuat; nam duos archidiaconos (viz) Dunelmensem archidiaconum et archidiaconum Northumbriæ, qui in dicta ecclesia Dunelmensi sub Dunelmensi episcopo, de ejus collatione et patronatu ante fuerant, immutare noluit, sed in suo statu et ordinatione, sicut prius fuerant permanere voluit; (nam bene fertur quod rex præsentat nonos prebendarios in Cantuarensi ecclesia, et omnes in ecclesiis Westminster, Roffensis, Wocester, Norwich et Windsor) et quia in ceteris omnibus cathedralibus et secularibus regni nostri ecclesiis, collatio canonicatuum et prebendarum, ad episcopos ipsos singulos in suis ecclæsiis cathedralibus juxta antiquam, secundum jus et libertatem ecclesiæ Anglicanæ pertinere semper solet: Nos ecclesiam Dunelmensem ad paritatem et similitudinem aliarum ecclæsiarum secularium reducere volentes; ut episcopus graves et doctos viros, ad prædicationem verbi Dei idoneos secum in ecclesia sua habeat, nominationem, præsentationem et collationem omnium et singulorum duodecim canonicatuum et prebendariorum (viz.) primi, secundi, tertii, quarti, sexti, septimi, octavi, noni, decimi, undecimi et duodecimi, quandocunque aliquem illorum canonicatuum et prebendariorum vacare contigerit, de tempore in tempus, Cuthberto nunc Dunelmensi episcopo et successoribus suis in perpetuum pro nobis hæredibus et successoribus nostris donamus, concedimus et damus per præsentes has literas nostras, reservantes tamen nobis hæredibus et successoribus nostris donationem, nominationem et præsentationem dicti decanatus Dunelm. de tempore in tempus, cum vacare illum quomodocunque contigerit, sicut prius per fundationem et statuta illius ecclesiæ, nominatio et præsentatio ejusdem decanatus ad nos pertinuit, non obstante superdicta fundatione et ordinatione dicti præclarissimi patris nostri felicis memoriæ Henrici octavi; et aliis statutis et ordinationibus quibuscunque non obstantibus; et etiam non obstante quod verus valor dictorum canonicatuum et prebendarum aut earum alicujus præsentibus literis nostris non sit expressus, aut aliis ordinationibus dictæ ecclesiæ Dunelm. quibuscunque non obstantibus; in quorum omnium rerum testimonium has literas fieri fecimus patentes, testibus nobis ipsis apud Westmonasterium septimo die Februarii annis regnorum nostrorum secundo et tertio, anno 1555.

to the several churches, in writing; but not being indented, as required by the statute, were void or avoidable; and such power being only vested in the king, his heirs and successors could not make ordinances without the authority of parliament. This act, then, empowers the queen to make and prescribe the necessary statutes and ordinances to such collegiate churches, under the great seal, with a power to the queen to alter, augment, or diminish the same in her life-time. This act was as much confined to the queen as the other was to the king, so that any statutes afterwards made without authority of parliament, are of no validity. Bishop Tunstall was employed to draw up the queen's statutes, of which the reader will be fully informed in the further progress of this work.

It has been asserted, that, "on the 13th of March 1554, the "bishop was put in commission with Gardiner, Bonner, and "others, to deprive Robert Holgate archbishop of York, and "John Bird, Robert Farrer, and Paul Bush, bishops of St. "David's, Chester, and Bristol, on account of their being mar-"ried."* But this is not a true state of the fact; for the deprivation was not on account of their being married, but for breaking the solemn monastic vow of single life: The words of the commission being, *Post expressam professionem castitatis expresse, rite, & legitime, emissam, cum quibusdam mulieribus nuptias de facto, cum de jure non deberent contraxisse.*

In this year an act passed, by which the pope's authority was restored to the same state as before the 20th year of Henry VIII.'s reign, with some restrictive articles, by which bishoprics, cathedrals, and colleges, were protected as they then were. The legate cardinal Pole, then in England, ratified the articles, with a denunciation of the judgment of God, on all the laymen who possessed church lands.

Whilst the persecutions of Mary's reign struck the nation with a panic, the borders were in a turbulent state: Civil polity was much neglected, and the plundering parties of each nation were constantly making depredations on the neighbouring country. Commissioners were appointed by the queen to hear and redress the border grievances; of those bishop Tunstall was one, at a congress at Dunse in 1556, and again at another congress at Carlisle in 1537, with the earl of Westmorland, Robert Hanmer chancellor of Durham, and others; but matters not being adjusted, the war with France embroiling the two nations, open hostilities commenced in the month of August, and were not stayed

* Biog. Brit. p. 3982.

during this reign; for on the 17th day of November 1558, the queen died, in the 43d year of her age, having reigned little more than five years. She was a bigot, and displayed much stubborn resentment, malice, and cruelty in her disposition: She discovered no political capacity in her government; and, as a woman, had no character at all. Cardinal Pole, who figured in this reign, by his benevolent mind and gentleness of temper, exhibits a contrast, which casts upon some of the cotemporary prelates the aspect of monsters and furies. If it had been possible for bishop Burnet to have produced one instance in support of his assertion, that the queen had a generous disposition of mind, he would have uttered it; the most partial eye in her favour cannot discover it in history. Our prelate, as observed before, was of gentle and tolerant principles, and is rescued from the supposition of being a party in the cruelties and severities of Mary's reign, by his being seen, in several historical instances, in the commission for treating with the Scots, and in proofs of his residence in his bishopric during those miserable times, which were marked with the deepest tragedies. His diocese escaped persecution, and was not stained with the blood of one religious victim.

The accession of Elizabeth was a profound shock to those who were most violent in persecution. She was crowned on the 14th of January 1558, by the bishop of Carlisle, with the usual ceremonies and oaths. Her first care was to repeal the several laws made in the reign of Mary touching matters of religion, and to revive those of Henry VIII. and Edward VI. Soon after an act was passed, by which the bishops were barred from making any grants of their manors or farms for more than twenty-one years, or three lives, except to the crown. By another act made in the first year of this reign, cap. 19. "Giving authority to the "queen's majesty, upon the avoidance of any bishopric, to take "into her hands certain of the temporal possessions thereof," this See suffered a great dimunition in revenue; for by bishop Pilkington's address to secretary Cecil, set forth in the course of this work, it appears the queen seized upon Norham and the shire, of the yearly value of 120 £. Easington ward 323£. 13s. 4d. Easington Coronator 72£. Sadberge 23 £. 0s. 11d. Cotom Mundevil 47£. 16s. 1d. Middleham 19 £. 6s. 11d. Gateshead 24 £. 11s. 7d. Creik 39£. 7s. 4d. Allerton and the shire 218£. 9s. 1¼d., a pension out of Howden 91.£ 5s. 8½d., whieh were not restored till the year 1565. The act for establishing the English common form of prayer, was succeeded by a tender of the oath of supremacy to the bishops and clergy, which was refused by all the prelates except the bishop of Landaff: The

consequence of such refusal, among other instances, was the deprivation of bishop Tunstall. Collier says,* "As to the bishops, "they had most of them sworn the *regale* in the reign of Henry "VIII, not to mention their compliance under the reign of "Edward VI.; but since they had now made their submission "to the See of Rome, and gone all the religious lengths of "Mary's reign, they were resolved to make a stand, and adhere "to their last change: And in regard they threw up their pre-"ferments, and ventured the penalties of the act, it is most likely "they went off upon motives of conscience." The account given of our prelate in the Biographia Britannica,† is, "When queen "Elizabeth came to the crown, there were great hopes that a "man of his great meekness and knowledge would have readily "come into the reformation; but being attached to some errors, "and indeed so far advanced in years that he had in all proba-"bility a very little time to live, he conscientiously chose rather "to lose his rich bishopric than act against his own judgment. "Being therefore deprived in July 1559, for refusing the oath "of supremacy, he was committed to Matthew Parker archbishop "elect of Canterbury,‡ in free custody, where he was entertained "in a most kind, friendly, and brother-like manner.‖ He did

* Vol. ii. p. 431. † p. 3983.

‡ The intention of this captivity seems evidently to have proceeded from hopes of bringing over this venerable prelate to the maxims adopted by the queen for encouragement of the reformation: His learning and integrity gave him great weight, and it was of consequence to win his influence if possible: He was held in the highest veneration by the people of his palatinate, and his example and doctrines would have prevailed with multitudes there. To bring over this holy man was a work appointed to the archbishop; but bishop Tunstall's age and declining health afforded little encouragement to the design: Opinions and determinations grow more obstinate by age and infirmities; it was too late in life for any impulse to prevail.

‖ Before his death, he declared it is judgment, that the pope's too far extended power ought to be restrained within his own diocese at Rome; letters to which purpose he had long before written to cardinal Pole, unto which mind he now returned again, after his compliance with the pope under Mary; and not above fourteen days before his death, while he lived with the archbishop, he testified to him and others those letters to Pole to be his, one of which is extant in Fox's Monuments, writ about 1534, and others of them be in MS. in the Cotton library. He also allowed of the marriage of priests. His judgment in point of justification was according to the doctrines of the reformed church, as appears by a book that he wrote and published, A. D. 1555, *Contra Blasphematores Johannis Redmannide de Justificatione.* Which learned divine, Dr Redman, did on his deathbed declare freely his judgment for justification by faith: For which it seemed several had railed against him after his death, and occasioned this learned bishop, even under Mary, to take his part in the said book, which is or was among archbishop Parker's books, by him given to the public library of Cambridge.——Strype's Life of Archbishop Parker, lib. i. chap. 10.

Sir John Mason was ordered by the council to deliver to the use of doctor Tunstall (so he was then stiled) remaining prisoner in the Tower, such money as should serve his necessities, till such time as further order should be taken touching his goods and

" not continue long in that retired and private condition, for he " died the 18th of November 1559 at the age of 75, and was " very handsomely buried in the chancel of Lambeth church, at " the charge of archbishop Parker. Over his grave a black " marble stone was soon after laid, with the following epitaph, " composed by the learned Dr Haddon, but now defaced.*

Anglia Cuthbertum Tunstallum moesta requirit,
Cujus summa domi laus erat atque foris.
Rhetor, Arithmeticus, Juris consultus et aequi,
Legatusque fuit; denique presul erat.
Annorum satur, et magnorum plenus honorum,
Tertitur in cineres aureus iste senex.
Vixit annos LXXXV. Obiit
18. Nov. MCCCCCLIX.

" This prelate had seen as great a variety of fortune as most " men; he had lived in difficult and in easy times; he had known " both protestants and papists in power, and yet, from all parties† " and in all revolutions of government, he had found favour. " The truth is, he was well versed in the arts of temporising, and " possessed a large share of that complying philosophy, which, " taking offence at nothing, can adapt itself to all things. When " Harry the Eighth began to innovate, the bishop of Durham had " no scruples; when his son went further, still the bishop was " quiet, and owed indeed his confinement at the close of that " reign to his desire of continuing so. Again, when queen Mary " reversed what they had done, with this too the bishop was " satisfied, and forgot all his former professions. Thus much, " however, may justly be said of him, that upon all occasions, " and where no secular ends were in view, he showed himself a " man of great moderation; and whether in his heart he was " more papist or protestant, to arbitrary proceedings, however, " in either persuasion, he was wholly averse. Thus he thought " things were carried too far on one side in king Edward's time,

money lately appertaining to him. That the bishopric might not want a due care taken of it, during the bishop's restraint, 18th Feb. 1551, a letter was sent by the council to the prebendaries of Durham, to conform themselves to such orders of religion and divine service, standing with the king's proceedings, as their dean (Mr Horn) should set forth, whom the lords required them to receive and use well, as being sent to them for the weal of the country by his majesty.——Strype's Memorials of Archbishop Cranmer, lib. ii. chap. 32.

* In his will, proved 30th Jan. 1559, he ordered to be buried before the crucifix or rood-loft of Durham cathedral, if he died in his diocese; or, if he died in London, in St Paul's cathedral, where he had been bishop, near Tho. Linacre.——Willis's Cathedrals, vol. i. p. 245.

† Erasmus.—Sir Tho. More.

"and too far on the other in queen Mary's; with both reigns he "therefore was dissatisfied, though he was too great a lover of his "own ease to oppose them. But as his days shortened, his ambition "decreased, his conscience grew more tender, and what he had "done for Harry and Edward, he refused to do again for Eli-"zabeth. Though the bishop of Salisbury is of opinion, he was "not with-held by any scruples, but such as a sense of decency "raised, from complying with that princess: He was very old, "and thought it looked better to undergo the same fate with his "brethren, than to be still changing;* and this is the rather "probable, because many historians say, the late reign had given "him a great disgust to popery, and that he would often own to "archbishop Parker he began to think every day more favour-"ably of the reformers. In private life his manners were highly "commendable: He had an absolute command over himself; "a temper which no accident could discompose, great humanity, "and great good-nature. In learning, few of his cotemporaries "were equal to him; none more ready to patronise it. Of the "offices of friendship he was a strict observer; and was not only "a favourer, but a zealous encourager of good men. In a word, "where he was not immediately under the influence of court "maxims, he gave the example of a true Christian bishop."†

In 1558, the fortifications of Berwick were ordered to be strengthened, and additional forces were raised, to oppose a descent the French had projected making near Newcastle: Of those new levies, the bishopric of Durham was required to raise five hundred men.‡ A treaty shortly after made with France, included Scotland, so that hostilities ceased, and a peace was concluded with that state on the last day of May, 1559, in the church of St. Mary of Upsetlington, and duplicates were delivered the same day in Norham church. Bishop Tunstall was a commissioner in this negociation, with Thomas lord Percy earl of Northumberland, William lord Dacre of Graystock, and Sir James Crofts governor of Berwick.

Bishop Tunstall was an accomplished, learned, and excellent prelate, and author of many valuable works; highly beloved,

* Burnet. † Gilpin's Life of Bern Gilpin, p. 118.

‡ Orders were sent to the bishop of Durham to send men from the bishopric, in case of necessity. The queen determined to send forthwith to the borders 1000 men; and for that purpose, as she had addrest her letters to the bishop of Durham (7th Jan.) to put the forces of the bishopric in such readiness as they might, upon any sudden warning, be ready to serve under Sir George Conyers; so four days after, by another letter, he was enjoined to levy in the bishopric 500 footmen, and that he should confer with Sir J. Croft concerning fit gentlemen to have the leading of them, and to have special foresight that none of the officers used any frauds for the sparing of any man from this service.——Strype's Ann. p. 19.

admired, and praised by all his learned cotemporaries both at home and abroad; among whom were the great Erasmus, Sir Thomas More, dean Collet, Lynacre, &c. and by many illustrious persons of every persuasion since, who have all been lavish in their encomiums on him: besides what has been already quoted from Erasmus, he speaks of him in many other places, as, "This man is "of the most blameless life, eminently versed in both the old and "new literature, and well acquainted with every branch of useful "science."* Again, "Than whom this age possesses none more "learned, better, or more humane.†" Again, "Than whom "there scarce exists in the world a being more prudent, more "worthy, or more accomplished." Sir Thomas More says of him, "As no one is more thoroughly conversant in learning of "every kind, nor more regular in life and manners, so no one "is a more chearful companion."‡ Wharton says, "He crowned "the greatest gifts of natural and acquired knowledge with emi-"nent piety, virtue, and strictness of morals."‖ "He was (says "Pitt) a man meek and mild, chaste and temperate, prudent, "and industrious."§ Bishop Godwin says, "There was scarce "any kind of learning in which he was not excellent; being a "a very good Grecian, well acquainted with Hebrew, a very "elegant rhetorician, a skilful mathematician, famous especially "for arithmetic, a great lawyer, and a profound divine."** William de Chambrè, quoted by Wharton in his account of the bishops of Durham, speaks thus of bishop Tunstall: "He had "always a creditable family, and was honourably attended by "people of all conditions; for where ever he resided, he kept a "magnificent table, he was very charitable, and an illustrious "prelate in every respect."†† Camden, speaking of the eminent "bishops of Durham, mentions Cuthbert Tunstall, who died "about the beginning of the last age; and for learning and piety, "was, without envy be it spoken, equal to them all, and a very

* Is homo est vitæ inculpatissimæ utriusque literaturæ ad unguem doctus, nec ullius honestæ disciplinæ rudis.—Erasm. Epist. p. 783.

† Quo viro nil habet hæc ætas nec eruditius, nec melius, nec humanis.—Ibid. p. 400.
Quo viro vix habet orbis hodie, quicquam eruditius, prudentius, melius.—Tabula affixa ad sepulcrum T. Mori inter Epist. Erasmi. col. 1509.

‡ Quo ut nemo est omnibus bonis literis instructior, nemo vita moribusque severior, ita nemo est usquam in convictu jucundior.—T. Mori Epistola inter Erasmianas, col. 120.

‖ Maximas ingenii & doctrinæ dotes, insigni pietate, virtute, morum severitate cumulavit.—Wharton de Epis. Lond. p. 185.

§ Erat vir mitis et mansuetus, castus et temperans, prudens et industrius.—Pitt de Angliæ Script. p. 760.

** Bishop Godwin's Catalogue of Bishops. Edit. of 1615, 4to. p. 669.

†† Familiam honorificam semper secum tenuit, honorificeque attendebatur a generosis et hominibus plebeiis, quecumque enim loco residebat honorificam mensam valdeque largam semper secum habuit, in elemosynis erat abundans, in omni vitæ genere præsūl præclarus.—W. de Chambre.—Wharton's Ang. Sac. p. 783.

"great ornament of Britain."* Nothing perhaps redounds so much to the praise of this venerable prelate, than that although he was firmly attached to the religion of his ancestors, he was ever of a truly liberal and tolerant spirit towards those who differed from him in their opinions on such matters; a quality rarely found in those times, when religion was too often made a pretence by each party when in power to persecute one another: It is related of him, highly to his honour, that in Mary's days, one Mr Russell, a reformed preacher, being brought before him at Auckland, he ordered him immediately to be dismissed, humanely saying, "Hitherto we have had a good report among "our neighbours; I pray you bring not this man's blood upon "my head.† His charities and benevolence to the poor were very extensive: In a manuscript in the British museum, wrote soon after his death, he is said to have annually distributed at Auckland, on Good-Friday, a bushel of silver pennies among the poor, probably of his own coining, the See of Durham still enjoying that privilege. He was a great benefactor to his See; and, besides what he bequeathed to it by his will, made several additional buildings both at Durham and Auckland, whereon his arms are to be seen in many parts. Bishop Godwin says, "He built from the ground a most beautiful porch or gate-"house,‡ with a chapel annexed thereunto, in the castle of "Durham, and added to the said castle certain gates, with iron "bars and port-cullises, supported with strong walls on each "side: He brought water thither with a conduit; whereas before-"time it was served with well water: He built the gate-house "at Alnwick;‖ and also the Tollbooth, in the Market-place, in "Durham; with several back offices, which he gave to the city: "He repaired, at a great expence, the castle of Norham." Chambré says, "He built the gate-way at Auckland, and finished "the great window in the dining-hall erected by bishop Ruthall; "to which he added many other works. He twice repaired the "south part of Tyne-bridge, with stone and wood work, at his "own proper cost. When bishop of London, he laid out much "money in furnishing a library at Cambridge with books and "manuscripts collected in his travels abroad."§

* Cuthbertus Tunstallus summarum artium scientia (absit invidia verbo) illorum omnium instar, et Magnæ Britanniæ ornamentum.—— Cambd. edit. of 1587, p. 505. —Bp. Gibson's Camd edit. 1772, vol. ii. p. 142.

† Biog. Brit. vol. vi. p. 39, 82, in a note from Fox.

‡ A gallery leading to the chapel.

‖ Bp. Godwin's Catalogue, 678. —This seems to be an error; he certainly built the gate-house at Auckland; for that of Alnwick is of much greater antiquity.—Vide View of Northumberland.—Angl. Sac. p. 783.

§ Ath. Ox. vol. i. p. 127.—Lloyd's Statesman, p. 540.—Newcourt's Repert. vol.

Mr Noble gives three specimens of the coin of this prelate: "N° 1. a penny, differs scarcely in any one circumstance from

i.—Fuller's Ch. Hist. l. viii. c. 20.—Leland's Itin. vol. viii. p. 10.—Eng. Worthies, p. 319.—Holland Herolog. Angl. p. 12.—Fuller's Worthies, Yorkshire, p. 197.

He was rector of Harrow in Middlesex, custos rotulorum, archdeacon of Chester, dean of Salisbury, canon of Lincoln and Sarum, and then bishop of London. He was the first lord president of the north, by appointment of Henry VIII.—Vide Camden Edit. 4to. 1574, vol. ii. p. 452—Vide Haywood's Life of Edward VI. with Strype's Notes.—Kennet's Hist. of Engl. vol. ii. p. 323.

Menvil also accused dean Whitehead, and Hindmarsh, chancellor.—Anth. Wharton's Specimen's of Error, p. 109, 119.

1st. and 2d Ph. and Mary. He let a lease to the mayor and burgesses of Newcastle, for 450 years, of the Salt Meadows and the river over against them (the fishing excepted) with way-leave to Gateshead, for 2l. 4s. yearly; and also, for the same term, a lease of the toll of Gateshead, for 4l. 6s. per ann.——Gray's Notes, MSS.—See Gateshead, vol. ii.

A. D. 1530. 21 Hen. VIII. De custodia temporalium pro Cuth. Tunstall, episc. Dunelm.——Rymer's Fœdera, vol. xiv. p. 364.

——— Pro e'po Dunelmensi de absolutione et translatione.—Ibid. p. 384.

——— Pro episcopo prædicto de provisione.—Ibid. p. 384.

——— Ad clericum et cives Dunelm. de obediendo et intendo.—Ibid. p. 386

——— Pro eodem episcopo bulla ad vassalos.—Ibid. p. 386.

——— De restitutione temporalium Cuth. Tunstall.—Ibid. p. 387.

——— 1539. 31 Hen. VIII. Pro epicopo Dunelm. annualem redditum exeuntem de manerio de Twiselton in com. Eborum et Lancastriæ.——Ibid. p. 640.

——— 1540. 31 Hen. VIII. Neasham monastery —Ibid. p. 659.

——— St Bartholomew, Newcastle.—Ibid. p. 663.

——— Durham cathedral, Dec. 31, 1540.—Ibid. p. 664.

——— Hospital of St James at Northallerton. De scriptis religiosorum.—Ibid. p. 671.

——— 1545. 36 Hen. VIII. Surrender of Kepier hospital and other places.—Ibid. vol. xv. p. 67.

——— Dean and chapter of Durham to distribute yearly alms.—Ibid. p. 78, 134.

——— 1550. 36 Edw. VI. Durham Place.——Ibid. p. 224.

——— 1553. 1 Mary. Super nullitate sententiæ contra Cuth. Tunstall, ep. Dun. commissio appellationes (English.)—— Ibid. 354.

——— 1557. 3 & 4 Ph. & M. De præsentione ad vicariam ecclesiæ de Eglinham.—Ibid. p. 464.

——— 1559. 1 Elizabeth. Presentation of Ra. Skinner to Sherburn hospital.—Ibid. p. 543.

——— 1560. 2 Elizabeth Presentations.—Adam Hallydaye to the rectory of Weremouth; William King to the archdeaconry of Northumberland; Edmund Beane to Stanhope, John Ebden to the rectory and archdeaconary of Easington; Adam Shepherd to a prebendary; Thomas Horton to a prebendary.—Ibid. p. 563, 564.

——— De officio vicecomitis sede vacante Dunelmensi concessa.—Ibid. p. 569.

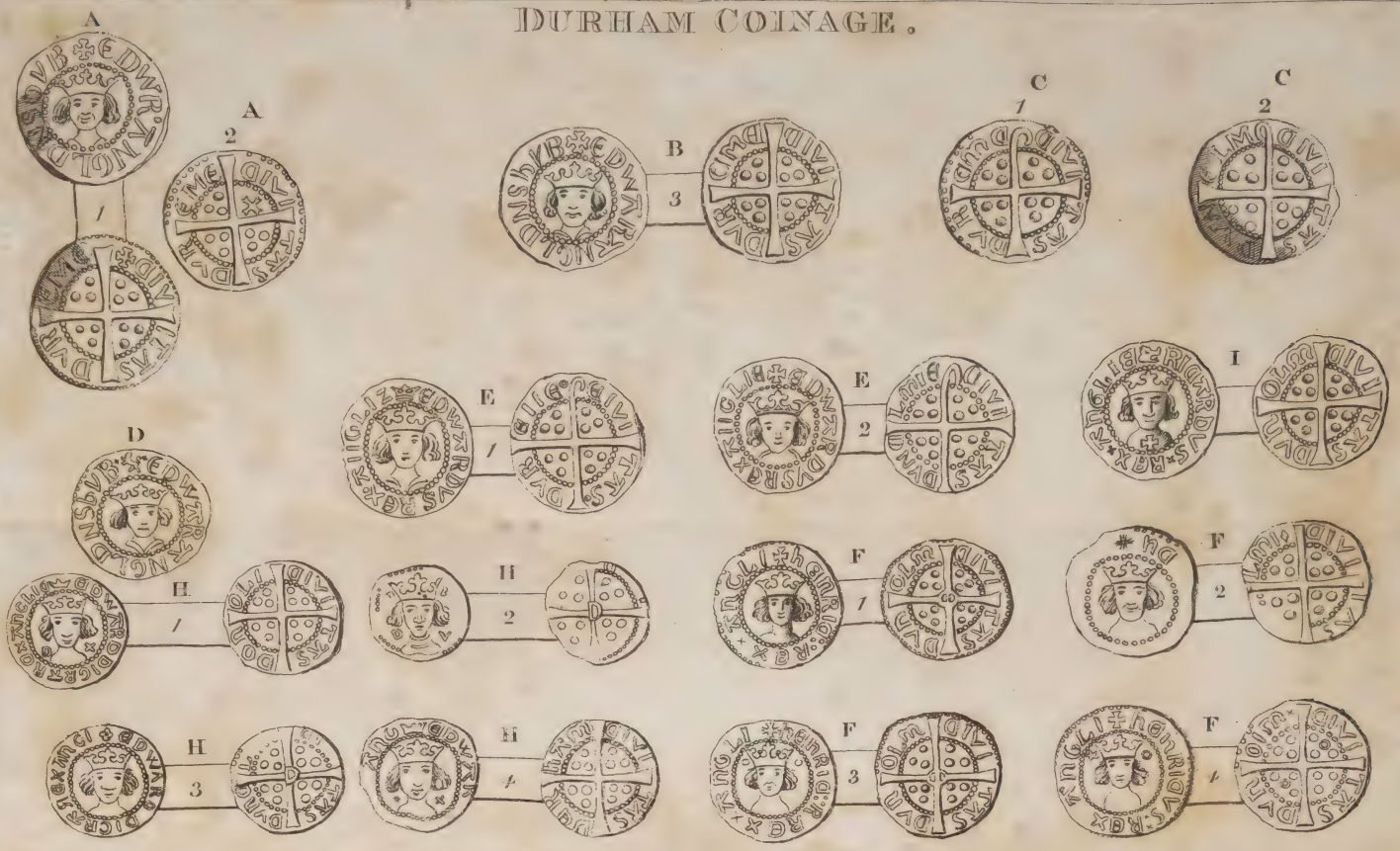
Bishop Tunstall's charters of incorporations of trades in the city of Durham.

1. Carpenters, joiners, wheelwrights, sawyers, and coopers.
2. Clothworkers and Walker craft.
3. Rough masons, wallers, and slaters.

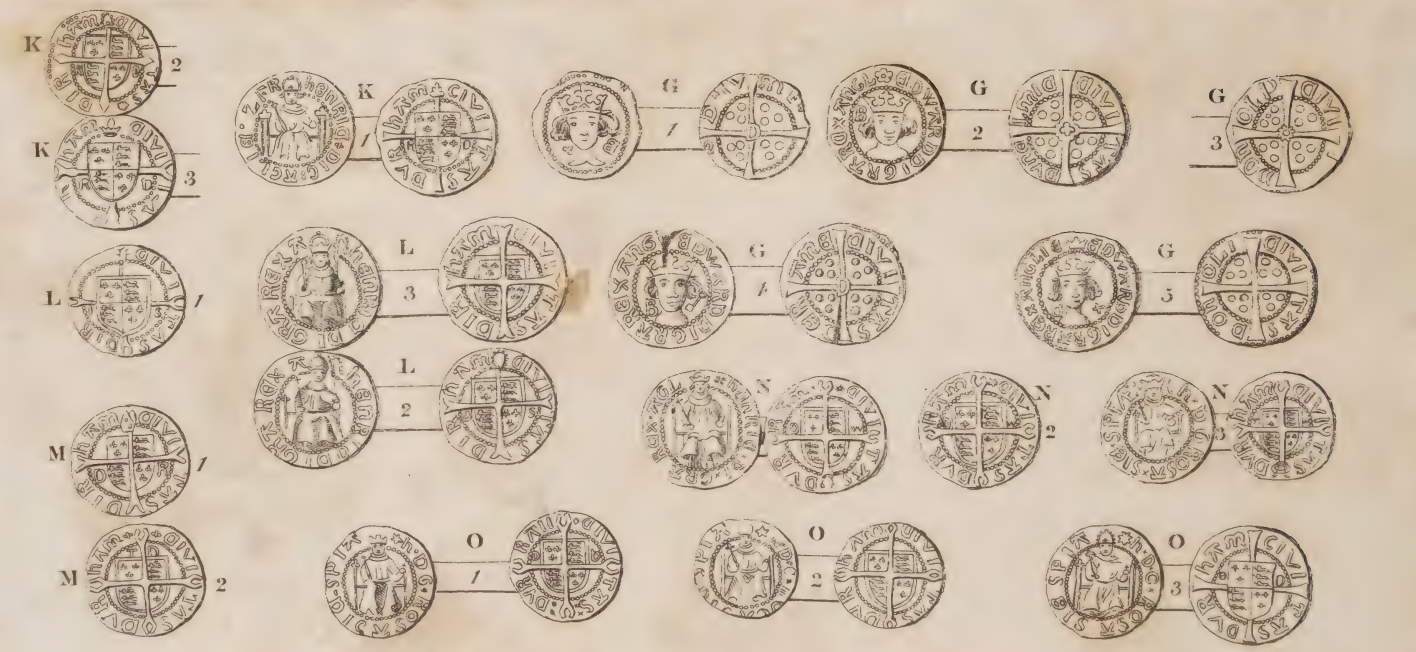
Grants, by the bishop, of lands forfeited for treason, felony, and outlawry, and of lands escheated.

1. The manor of Windleston to Thomas Tunstall.
2. Lands in Thorp Bulmer, Nesbit, and Eggleston, to John Bulmer.

DURHAM COINAGE.



A.A.B. *Bishop Beke.* C.C.—*Kellow.* D.—*Beaumont.* E.E.—*Halfield.* F.F.F.F.—*Booth or Langley.* H.H.H.H.—*Dudley.*



G.G.G.G.—*Booth.* I.—*Sherwood.* K.K.K.—*Fox.* L.L.L.—*Sevier.* M.M.—*Ruthall.* N.N.N.—*Wolsey.* O.O.O.—*Tunstall.*

"those of Wolsey's second coinage upon the obverse: the reverse "has this legend, CIVITAS DVRRAM; upon the sides of

Acts of Parliament.

Private. 28 Hen. VIII. ch. 16. Between the king and the bishop of Durham, for exchange of Durham-place in London.

1542, 31 Hen. VIII. ch. 10. Act for placing the house of lords; the bishop of Durham's seat there next to the bishop of London's.

1546, 37 Hen. VIII. ch. 1. An act for custos rotulorum, and the clerkship of the peace: Proviso, not to extend to Durham.

1544, 34 and 35 Hen. VIII. ch. 14. An act for a certificate of convicts to be made into the King's Bench. Provided that this act shall not extend to the clerk of the crown, clerk of the peace, clerk of gaol delivery within the county palatine of Durham, to any transcript of any attainder, conviction, or outlawry, of any person before the king's justices of his county of Durham, but that the same record shall and may remain and be in the custody of the said clerks, in such manner and wise as they are at this day.

1548, 2 and 3 Edw. VI. (Private.) An act between the mayor, &c. of Newcastle and Edw. Lawson.

1549, 3 and 4 Edw. VI. ch. 1. An act that the lord chancellor or lord keeper of the great seal for the time being, shall name and appoint the custos rotulorum throughout all shires of England, according as in time past has been accustomed. Proviso, Durham excepted.

1553, 7 Edw. VI. ch. 10. An act for the uniting and annexing of the town of Gateshead to the town Newcastle upon Tyne.

[The acts of dissolution and restoration of the bishopric are before noted in pages 529 and 532.]

Cuthbertus Tunstall episc. Dunelm. dimisit - - - - - Smith, proficua d'anchorage & beaconage.—Spearman's Enquiry, p. 25.

The See vacant.

Receiver-general,—Will. Strangways, cl. ap. 16th July 1529. Rot. B. Tho. Card. N° 10.

High-sheriff,—John Bulmer, knt. ap. 16th July 1529; oc. 10th Sept. 1530.

Escheator,—Rob. Bowes, esq; ap, 16th July 1529.

Temporal chancellors,—Will. Frankeleyn, cl. Will. Strangways, cl.—Gray's MSS.

Will. Frankeleyn, cl. ap. chancellor 16th July 1529; (Rot. B. Card. N° 9) oc. chanc. the last time on the rolls, 22d Dec. 1529.

Constable of the castle,—Rich. Bellasys.

Senescal,—Tho. Tempest, knt. oc. 19th Aug. 1529; (Copyhold Book. L. p. 160.) last time, p. 169.

Cuth. Tunstall, bishop of London; translated to Durham, Dec. 1529.—Rot Tunst. N° 9.

Temporalities restored, 25th Mar. 1530.

Deprived, 11th Oct. 1552.—Bloomefield's Norfolk, vol. i. p. 232.—Carter's Hist. vol. iii. p, 273 and 290.—Cranmer's Life, p. 288.

Imprisoned, 20th Dec. 1551.

Set at liberty and restored to his bishopric, 5th Aug. 1553.

Deprived again, 29th Sept. 1559.

Died, 18th Nov. 1559, in the 85th year of his age. His will proved, 30th Jan. 1559.

Officers of the See during the time of Bishop Tunstall.

High-sheriffs,—John Bulmer, knt.

Will. Hilton, mil.——(MS. Gray,)

Tho. Hilton, knt. ap. 12th Nov. 1532, till Martinmas then next. Rot. C. Tunstall, N° 101. Ap. again, for one year, 11th Nov. 1533. Ibid. N° 94.

Geo. Conyers, knt. ap. 15th Nov. 1537, till Martinmas.—T. Hilton supersed. 22d Nov.—Conyers oc. again, 18th April 1544.

" the shield, above the bar, are C. D. for *Cuthbertus Dunelmensis*. " N° 2. is also a penny of this prelate: the chair is the only dif- " ference, upon the obverse, from N° 1. the arms of which are " broader, and the ornaments at the top of them are seemingly " meant for mitres; the reverse reads, CIVITAS DVRHAM; " the first initial is blundered, being an E, as they were then " made, set the contrary way; this however, is evidently only a " mistake of the engraver for a C; and as the other letter is a " D, they must be read Cuth. Dunelmensis. N° 3. has the same " legends as N° 1. but it has not the least appearance, in other " respects, of an episcopal coin; the arms of the chair are plain, " and the reverse is without any initials; it has the star for the " mint-mark, as N° 1. and 2. and which most, if not all of bishop " Tunstall's have: This coin was probably struck, just before " Henry deprived this See, and the two metropolitical ones, of " the privilege of a mint; and to avoid that jealousy which the " king discovered at these charters, it might be judged prudent " to omit every episcopal and local distinction that could give " offence. There is no notice (in the act of Hen. VIII.) taken

Tho. and Will. Hilton, mil.
Cuthb. Conyers, arm. (MS. Gray.)

Escheators,—Rob. Bowes, esq; ap. 12th Nov. (till Martinmas next) 1530; oc. again, 1st Dec. 1543.
Rob. Dalton, esq; oc. 6th July 1558.
Henry Percy, 1559.
Mich. Wandisfourd.

Temporal chancellors,—Mag. Rob. Hyndmer utriusq' juris doctor, appointed temporal and spiritual chancellor 26th Mar. 1530. Rot. C. N° 115.—Oc. 5th Apr. 1558. Cop. Book, M. p. 930. Reginald Hyndmer, cl. frater & heres Rob. Hyndmer, cl. oc. 1st May 1559.—Ib. p. 987.
Rob. Meynil, serviens ad legem. } MS. Gray.
Will. Redman. }
Mich. Wandisford, esq; chanc. oc. 8th. Oct. 1558; (Rot. M. N° 30) again 24th Sept. 1559. Rot. B. N° 6.

Constables of the castle,—Rich. Bellasys, obiit 26th Mar. 1541.
Marmaduke Tunstall, knt. 1541.
Marm. Tunstall, mil. carissimus nepos e'pi & fra. Tunstall fil. ejus; ap. for their lives, 19th June 1549; (Rot. F. N° 13) confirmed by dean Whitehead and the chapter, 20th June 1549. Reg. Whitehead, p. 128.

Senescals,—Tho. Tempest, knt. oc. 2d May 1550; (Copyh. Book, marked M. p. 91) oc. 22d Oct. 1545.—Ibid. p. 464.—12 Copyh. Book, M. contains 1032 pages.
Rob. Meynell, arm. Dep. Tho. Tempest, mil. sen. 14th Nov. 1541, p. 337. Occupans locu' capital. sen. 22d Oct 1545. Ibid. p. 464.
Rob. Meynell, serviens ad legem; ap. for life at Durham, 12th Mar. 1546; (Rot. C. Tunstall, N° 15) confirmed by dean Whitehead and chapter, 29th Nov. 1547; (Reg. Whitehead) oc. 16th Jan. 1552; sede vac. p. 681 Baronia de Evenwood, cur. tent. Jun. 1553; sede vac. p. 711, last time.
Mich. Wandesfourde, arm. sen. oc. 11th Mar. 1557, p. 981.
Halmot Reginæ Eliz. tent. 24th Oct. 1559; cor. R. Meynell, Ibid. p. 1018

Registraries,—Ch. Chaytor, not. pub. oc. registrary 22d Apr. 1550.

Attorney-general,—Rob. Mennel, serv. ad legem, fee 100s.——Randal's MSS.

"of the mints, either of Durham, or those of the primates: How-
"ever, there is not a doubt but that their abolition was under-
"stood by the preface to it. It was not then perhaps, thought
"necessary to be very exact in wording it; few subjects being
"hardy enough to dispute the will of so powerful and tyrannic
"a prince as Henry VIII."

On the 26th of December, 1560, a *Conge d'Elire* was granted for electing a bishop in the room of Tunstall deprived; on which occasion,

JAMES PILKINGTON

was duly chosen by the dean and chapter, and received the royal assent on the 20th of February following. He was consecrated on the 2d day of March; had the temporalities restored on the 25th of the same month, with some exceptions; and was installed the 10th day of April, 1561. As this is the first election after the dissolution of the monastery, the several instruments are given at length in the notes.*

* *The Conge de' Elire to elect a Bishop.*

REGINA, dilectis sibi in Christo, decano et capitulo ecclesiæ cathedralis Dunolmensis, salutem. Ex parte vestra nobis est humiliter suplicatum, ut cum ecclesia prædicta per legitimam deprivationem ultimi episcopi ejusdem, jam vacet et pastoris sit solatio destituta, alium vobis eligendi in episcopum et pastorem, licentiam nostram fundatorium vobis concedere dignaremur. Nos precibus vestris in hac parte favorabiliter, inclinati, licentiam illam vobis duximus concedendam; rogantes quod talem vobis eligatis in episcopum et pastorem, qui Deo devotus, nobisq; et regno nostro utilis et fidelis existat. In cujus rei, &c. Teste regina apud Westmonasterium, 26 die Decembris 1560.——Rymer's Fœdera, vol. xv. p. 605.

The Queen's approbation of Dr Pilkington.

REGINA, reverendissimo in Christo patri, et prædilecto et fideli nostro domino Thomæ archiepiscopo Eborum, ac aliis quibuscumque episcopos quorum in hac parte intererit, salutem. Cum vacante nuper sede episc, ecclesiæ cathedralis Dunelm. per legitimam deprivationem ultimi episcopi ejusdem, ad humilem petitionem decani et capituli ecclesiæ nostræ cathedralis Dunelm. per literas nostras patentes, licentiam concesserimus alium sibi eligendi in episcopum et pastorem sedis prædictæ, iidemque decanus et capitulum, vigore et obtentu licentiæ nostræ prædictæ, dilectum nobis in Christo, Jocobum Pylkington sacræ theologiæ baccalariam, sibi et ecclesiæ prædictæ elegerunt in episcopum et pastorem, prout per literas suas sigillo eorum communi sigillatas, nobis inde directas, plenius liquet et apparet: Nos, electionem illam acceptantes, eidem electioni regium nostrum assensum adhibuimus pariter et favorem, et vobis tenore præsentium significamus. Rogantes, ac in fide et dilectione quibus nobis tenemini, firmiter præcipiendo mandantes, quatenus vos eundem Jacobum Pylkington in episcopum et pastorem ecclesiæ prædictæ, sic ut præfertur electum, electionemque prædictam confirmare, et eundem Jacobum Pylkington in episcopum et pastorem ecclesiæ cathedralis Dunolmens. prædictæ consecrare, cæteraq; omnia et singula peragere, quæ vestro in hac parte incumbunt officio pastorali, juxta formam statutorum in ea parte editorum et provisoru' velitis cum favore. In cujus rei testimonium, &c. Teste regina apud Westmonasterium vicesimo die Februarii, 1561——Rymer's Fœdera, vol. xv. p. 607.

During the vacancy of the See, Robert Tempest was appointed guardian and high-sheriff: Wandesford, the temporal chancellor, and Robert Meynell, senescal, were continued in their respective offices.

Restitution of the Temporalities.

REGINA, escaetori suo in comitatu Eborum, salutem. Vacante nuper episcopatu Dunolmensi, per deprivationem Cuthberti Tunstall ultimi episcopi ibidem, decanus et capitulum ecclesiæ cathedralis Dunolm. prædictæ, licentia nostra petita pariter et obtenta, dilectum nobis in Christo, Jacobum Pylkington sacræ theologiæ baccalarium, in eorum episcopum et pastorem elegerunt; cui quidem electioni et personæ sic electæ, regium assensum nostrum adhibuimus et favorem, ipsiusq; fidelitatem nobis debitam pro dicto episcopatu recepimus, ac temporalia ejusdem episcopatus (exceptis manerio sive dominio de Norham et Norhamshire cum suis juribus membris et pertinentiis in comitatu nostro Northumbriæ necnon maneriis sive dominiis de Allerton et Allertonshire, ac dominio et manerio de Creke, cum suis juribus membris et pertinentiis in com. Eborum; ac maneriis sive dominiis de Sadbarghe, Mydleham, Easington Ward, Easington Coronator; Cotton Monvyle and Gateshed in com. palantino Dunolm. cum suis juribus membris et pertinentiis; ac etiam omnibus messuagiis, domibus, ædificiis, molendinis, terris, pratis, pascis, pasturis communiis, boscis, subboscis, aquis piscarius, parcis, warrenis, chaseis warennis, redditibus, servitiis, feodis militum, wardis, maritagiis, escaetis, advocationibus, juribus patronatuum ecclesiarum, nundinis, tolnetis mercatis, theoloniis, custumis, franchesiis, libertatibus, privilegiis, proficuis, commoditatibus, emolumentis et hereditamentis quibuscumque cum pertinentiis, cujuscumque sint generis naturæ vel speciei, dictis maneriis sive dominiis de Norham et Norhamshire in comitatu nostro Northumbriæ; ac maneriis sive dominiis de Sadburgh, Mydleham, Esington Warde, Esington Coronator, Cotton Monvyle et Gateshed in comitatu palantino Dunolm. quoquomodo spectantibus sivi pertinentibus, au tut membra partes sive parcellas dictorum maneriorum sive dominiorum habitis cognitis acceptis usitatis seu-reputatis existentibus, necuon omnibus maneriis terris tenementis et hereditamentis, jacentibus et existentibus in villis parochiis sive hamlettis de Norham, Allerton, Creke, Sadburgh, Mydleham, Esington Warde, Esington Coronator, Cotton Monvyle et Gateshed, in comitatibus Northumbriæ et Eborum, et in comitatu palantino Dunolm.) Ei restituimus per præsentes; et ideo tibi præcipimus, quod eidem electe, temporalia prædicta cum pertinentiis (exceptis præexceptis) in ballivatua, una cum exitibus et proficuis inde a festo Sancti Michaelis archangeli ultimo præterito, hucusque provenientibus sive crescentibus, sine dilatione liberes; salvo jure cujuslibet. Teste regina apud Westmonasterium, vicesimo quinto die Martii 1561. Per breve de privato sigillo.

Consimilia brevia diriguntur escaetoribus subscriptis sub data prædicta, viz.

Escaetori suo in comitatu Northumbriæ.
Escaetori suo in comitatu Middlesexiæ.

Et mandatum est militibus, liberis hominibus, et omnibus aliis tenentibus episcopatus prædicti, quod eidem Jacobo tanquam episcopo et domino suo, in omnibus quæ ad episcopatum prædictum pertinent, intendentes sint et respondentes, prout decet. In cujus rei testimonium, &c. Teste ut supra.——Rymer's Fœdera, vol. xv. p. 608.

Restitution of the Temporalities (excepted in 1561) but still excepting the manor of Norham and Norhamshire.

REGINA, escaetori suo in comitatu Eborum, salutem. Cum vacante nuper episcopatu Dunolmensi, per deprivationem Cuthberti ultimi episcopi ibidem, decanus et capitulum ecclesiæ cathedralis Dunolm. prædictæ (licentiæ nostra petita pariter et obtenta) dilectum nobis in Christo, Jacobum Pylkington sacræ theologiæ bacculaurium in eorum episcopum et pastorem elegerunt.

Cui quidam electioni et personæ sic electæ, regium nostrum assensum adhibuimus et favorem, ipsiusque fidelitatem, nobis debitam pro dicto episcopatu, recepimus, ac temporalia ejusdem episcopatus (exceptis manerio sive dominio de Norham et Norhamshire cum suis juribus membris et pertinentiis in comitatu palantino Dunolm. ac etiam maneriis sive dominiis de Sadburgh, Midleham Essington Warde, Essington

Bishop Pilkington was the third son of Richard Pilkington, of Rivington, in the county of Lancaster, esq; had his education

Coronator, Cotton Monvile, et Gatteshed, in eodem comitatu palantino Dunolm. cum suis juribus membris et pertinentiis, ac etiam maneriis sive dominiis de Allerton et Allertonshire cum suis juribus membris et pertinentiis et manerio sive dominio de Creke cum suis juribus membris et pertinentiis comitatu nostro Eborum, ac etiam omnibus mesuagis, domibus, ædificiis, molendinis, terris, pratis, pascuis, pasturis communiis, boscis, subboscis, aquis, piscariis, parcis, warrennis, chaceis, redditibus, servitiis, feodis militum, wardis, maritagiis, escaetis, advocationibus, juribus patronatuum ecclesiarium, nundinis, tolnetis. mercatis. theoloniis, custumis, franchesiis. libertatibus, privilegiis, proficuis, commoditatibus, emolumentis et hæreditamentis quibuscumque cum pertinentiis cujuscumque sint generis naturæ vel speciei, dictis maneriis sive dominiis de Norham et Norhamshire in dicto comitatu palantino Dunolm. maneriis sive dominiis de Sadbargh, Mydleham, Essington Warde, Essington Coronator, Cotton Monvyle, et Gateshed in eodem comitatu palantino Dunolm. ac dictis maneriis sive dominiis de Allerton et Allertonshire et Creke in dicto comitatu nostro Eborum, quovismodo, spectantibus sive pertinentibus, aut ut partes membra sive parcellas dictorum dominiorum sive maneriorum habitis cognitis acceptis usitatis seu reputatis existentibus, necnon omnibus terris tenementis et hæreditamentis jacentibus et existentibus in villis parochiissive Hamelettis de Norham, Sadborghe, Mydleham, Essington Warde, Essington Coronator, Cotton Monvyle, Gateshed, Allerton, et Creke, in prædicto comitatu palantino Dunolm. et in comitatu nostro Eborum, a festo Sancti Michaelis archangeli, anno regni nostri secundo usque quintum decimum diem Martii anno regni nostri tertio, (provenientibus sive crescentibus) ei restituerimus per literas nostras patentes gerentes datum apud Westm. prædicto quinto-decimo die Martii, dicto anno regni nostri tertio, prout per easdem literas patentes plenius liquet et apparet; quibusdam tamen arduis et urgentibus causis et considerationibus nos ad hoc specialiter moventibus, cupientis ut præfatus reverendus in Christo pater Jacobus Dunolm. episcopus tenentibus suis et cæteris inhabitantibus quibuscumque, tam infra episcopatum prædictum quam alibi commorantibus et residentibus, id quod æquitati et rationi consonum fuerit melius facere exequi et perimplere possit et valeat, de gratia nostra speciali, ac ex certa scientia et mero motu nostris, omnia prædicta et præexcepta maneria sive dominia de Allerton et Allertonshire in dicto comitatu nostro Eborum, ac prædictum dominium et manerium de Creke cum suis juribus membris et pertinentiis in eodem comitatu nostro Eborum, ac etiam omnia prædictæ maneria sive dominia de Sadburgh, Mydleham, Essington Warde, Essington Coronator, Cotton Monvile et Gateshed, in prædicto comitatu palantino Dunolm. cum suis juribus membris et pertinentiis, ac etiam omnia messuagia, domos, ædificio, molendina, terras, prata, pascuas, pasturas, comunias, boscos, subboscos, aquas, piscarias, parcos, warrenna, chaceas, redditus, servitia, feoda militum, warda, maritagia, escaetas, advocatione jura patronatus ecclesiarum, nundinas, tolneta, mercata, theolonia, custumas, franchesias, libertates, privilegia, proficua, commoditates, emolumenta, et hæreditamenta quæcumque cum pertinentiis, cujuscumque sint generis naturæ vel speciei, dictis maneriis sive dominiis de Allerton et Allertonshire, Creke, Sadbargh, Mydleham, Essington Warde, Essington Coronator, Cotton Monvyle et Gateshed, quoquomodo spectantia sive pertinentia, aut ut partes membra sive parcellas dictorum maneriorum sive dominiorum habita cognita accepta usitata seu reputata existentia, necnon omnia terras tenementa et hæreditamenta jacentia et existentia in villis parochiis seu Hameletis de Allerton, Creke, Sadbargh, Mydleham, Essington Warde et Essington Coronator, Cotton Monvyle et Gateshed, in dicto comitatu Eborum et in comitatu palantino Dunolm. prædictis; (exceptis præexceptis maneriis sive dominiis de Norham et Norhamshire cum suis juribus membris et pertinentiis universis) ei damus concedimus et restituimus per præsentes; et ideo tibi præcipimus, quod præfato Jacobo Dunolm. episcopo omnia prædicta maneria sive dominia de Allerton et Allertonshire, ac dominium et manerium de Creke prædictum, ac cætera premissa cum suis pertinentiis in balliva tua per præsentes præconcessa et restituta (exceptis prædictis dominiis sive maneriis de Norham et Norhamshire) cum suis juribus membris et pertinen-

at St John's College, Cambridge, where he took the degree of doctor in divinity; and in the year 1558, was made master of that college.* He was a voluntary exile in the cause of religion, leaving England to avoid the Marian persecution; from whence returning under the auspices of Elizabeth, he was made bishop of this See. By patent under the great seal, dated the 10th day of May, in the sixth year of her reign (1564) the queen confirmed to him all the old charters relative to this palatinate, by *inspeximus* of each record, in like manner as had been granted by Henry V. to bishop Langley;† and soon after (Jan. 30, 1565) the bishop granted his charter of incorporation to the citizens of Durham, to be governed by an alderman and twelve burgesses.‡

tiis universis, a festo Annunciationis beatæ Mariæ Virginis ultimo præterito, sine dilatione liberes;—salvo jure cujuslibet. Teste regina apud Westmonasterium xiii. die Junii,—1566.——Rymer's Fœd. vol. xv p. 661.

From the Visitation of William Flower, Esq; N. K. of A. 1575.

RICHARD PILKINGTON, de Rynington, in com. Lanc. arm. ⚌ ALICIA, soror Rogeri Hassall, de Heathe Charnocke, com. Lanc.

Carolus, fil. 1. ob. s. p.	Georgius, de com. Canc. f. 2.	Jacobus, f. 3. episc. Dunelmensis. Vix. 1575.	⚌	Alicia, fil. Johannis, de Kingesmille, de Hampshire Mil.	Franciscus, fil. 4.	Leonardus, fil. 5.	Johannes, D. D. fil. 6. archidiaconus Dunelmensis.

Deboraha. Rutha.

[The author is indebted to Marmaduke Tunstall, esq; for this Visitation Book.]

* Jacobus Pilkington filius tertius Jac. Pilkington de ¶Rivington in agro Lancastrensi, armigeri, S. theol. Dr electus custos 1558, episcopus Dunelmensis 1560. Ille ut erat doctissimus theologus Solomonis ecclesiastice; utramque divi Petri epistolam, ac Paulam ad Galatas exposuit.

Leonardus Pilkington prædicti Jacobi frater S. theol. Dr professor, regius electus præfectus 1561. Prebendarius Dunelmensis.——ΣΚΕΛΕΤΟΣ Cantabrigensis.—Lel. Col. vol. v. p. 239.

† Spearman's Enquiry, p. 11.

‡ He got exemplified a plea and judgment in his favour, 22d Ap. 5 Eliz. for Crake park and the privileges thereof.

Jacob. Pilkingtonus, S. T. B. & Col. Div'i Joh'is præfectus, & Rob. Horn, Theol. D. & Doc. Dun. were two of the many correctors of the statutes of Trin. Col. Cam. as appears from queen Elizabeth's preamble to her statutes and observations thereon. Dat. Westm. 4 cal. Apr. a'o 2°.——Vide Case of Trin. Col. App. p. 8, 4to.

A. D. 1561. Unus commissionariorum ad capiendum sacramentum ab ecclesiasticis in provincia Eborum constitutus a reg. Eliz. 5 Maiij.——Rymer's Fœdera, vol. xv. p. 611.

Jacobus Pilkington Lancastrensis patria, apud Ryvington in parochia de Bolton natus, in boranu' literaru' studius in Col. d. Joh. Bapt. Cantabrigiæ enutritus, socius Col. admiss. 26 Mar. 1539, diaconus concionator. 1548, & S. T. B. 1551. Reformatione religionis addictus temporibusq. Mariariis exul. Basileæ aliquando vixit, et Ge-

¶ He founded a school at Rivington, and endowed it with several copyhold lands in the county of Durham, that came to him as forfeitures on attainders.

During this prelate's time not only the cause of religion, but also political matters, called the queen's attention towards Scotland; and the borders were frequently the scene of military operations. The queen paid great attention to Berwick, which she justly observed was the key of the kingdom; she caused it to be strengthened in the mode of fortification practised since the use of ordnance, and formed a military establishment there. The earl of Bedford in 1565 was governor of Berwick, warden of the eastern march, and lieutenant-general of the forces: It is added, he was lord-lieutenant of the counties of Northumberland, Cumberland, Westmorland, and the bishopric of Durham.* The lord-lieutenancy of this county doth not appear to have been exercised by any of our bishops, after the reformation; nor did they from thenceforth appear in any military capacity: In several instances, the crown nominated a lord-lieutenant.

In August, more effectually to secure Berwick, the queen directed the earl of Shrewsbury, who had the lieutenancy of Yorkshire, Nottinghamshire, and Derbyshire, to levy 2000 men, 1600 in Yorkshire, and 400 in the bishopric: On this, the earl of Bedford conferred with the high-sheriff of the county palatine, and other considerable persons there; by whom he was told, that there was no instance of the bishopric being charged with the sending forth of any men; their proper business being to aid Berwick and the unpeopled frontiers, when pressed by any actual necessity.† No open rupture took place for some time; and in affairs of state touching Scotland, we do not see our prelate employed in any public capacity, or this palatinate materially affected: So that in the military movements, no circumstance is particularly pertinent to this work, until the insurrection of the northern earls. The subject of their discontent and rebellion is too notorious to require repetition; the duke of Norfolk's conduct, in the proposed marriage with Mary queen of Scots, is largely treated of by all our historians: Charles Neville earl of

nevæ sacra' scriptura' congregationi Anglicanæ exposuit. In patriam reversis electus magister Col. S. Joh'is 20 Julij 1559, & regius theologiæ professor Cantabrigensis. ——Tanner's Bibliothec. p. 599.

Pilkington was the first of the subscribers to the letter from Frankford, dated 3d Jan. 1559, touching ceremonies, full of moderation and good judgment.——Strype's Ann. vol. i. p. 105.

Whilst master of St John's Col. in the year 1560, he published an exposition of the prophecy of Haggai. It came forth seasonably, and on purpose to stir up well-minded people to go forward with the reformation vigorously.—Ibid. c. 19. p. 223.

"While he sat here, he was, as may be seen in a book already cited, entitled 'The "Rites of Durham,' too complying with Whittingham, the puritanical dean of this "church, in suffering him to deface the ancient monuments of this cathedral."—— Willis's Cath. vol. i. p. 245.

* Strype's Memoir. Eliz. vol. i. p. 445. † Strype's An. vol. i. p. 399.

Westmorland, and Thomas Percy earl of Northumberland, were yet attached to the religion of their ancestors, and shewed public testimonies of dislike to the reformed principles; they were abettors of Norfolk's project, in hopes to restore the ancient church. The queen received repeated intimations of their disaffection, and their correspondence with Mary's partizans; she summoned them to court to answer for their conduct, but they disobeyed the mandate. The earl of Westmorland was possessed of a large territory in the bishopric of Durham, the honour of Barnard-castle, the lordships of Raby and Brancepeth, and many other inferior possessions: These were populous districts, where multitudes of dependents were under their command. In contempt of the queen's summons, the earls openly declared their defiance, rang the bells backwards to alarm the country, and with all expedition collected and arrayed their military men.* Collier says,

* LISTEN, lively lordlings all,
Lithe and listen unto mee;
And I will sing of a noble earle,
The noblest earle in the north countrie.

Earle Percy is into his garden gone,
And after him walkes his faire ladie:
I heare a bird sing in my eare,
That I must either fight or flee.

Now Heaven forefend my dearest lord,
That ever such harm should hap to thee:
But goe to London to the court,
And faire fall truth and honestie.

Now nay, now nay, my ladie gay,
Alas! thy counsell suits not me;
Mine enemies prevail so fast,
That at the court I may not bee.

O goe to the court yet good my lord,
And taken thy gallant men with thee:
If any dare to doe you wrong,
Then your warrant they may bee.

Now nay, now nay, thou ladie faire,
The court is full of subtiltie;
And if I goe to the court ladie,
Never more I may thee see.

Yet goe to the court, my lord, she sayes,
And I myselfe will goe wi' thee:
At court then for my dearest lord,
His faithfull borrowe I will bee.

Now nay, now nay, my ladie deare;
Far lever had I lose my life,
Than leave among my cruell foes
My love in jeopardy and strife.

But come thou hither, my little foot-page
Come thou hither unto mee;
To maister Norton thou must goe
In all the haste that ever may bee.

Commend me to that gentleman,
And beare this letter here fro mee;
And say that earnestly I praye
He will ride in my cumpanie.

One while the little foot-page went,
And another while he ran;
Untill he came to his journey's end
The little foot-page never blan.

* * * * * * * * * * * * *

Then rose that reverend gentleman,
And with him came a goodlye band,
To join with the brave earle Percy,
And all the flower o' Northumberland.

With them the noble Neville came,
The earle of Westmorland was hee:
At Wetherbye they mustred their host,
Thirteen thousand faire to see.

Lord Westmorland his ancyent raisde,
The dun bull he rays'd on hye;
Three dogs with golden collars brave
Were there sett out most royallye.†

† The supporters of the Nevilles, earls of Westmorland, were two bulls argent, ducally collar'd gold, armed or, &c. But I have not discovered the device mentioned in the ballad, among the badges, &c. given by that house. This however is certain, that among those of the Nevilles, lords Abergavenny (who were of the same family)

"To impose upon the people, and bring them to a revolt, they "threw out several specious pretences; some were made to "believe the forces were levied to guard the queen; others were "told, all the English quality had engaged to restore the old "mode of religion; and to others they pleaded a necessity of ap- "pearing in arms, to rescue the ancient nobility from the insults "of upstarts, and to secure the country from being betrayed to "foreign interest. One Nicholas Norton was a great incendiary "in this commotion. He is said to have been sent from the "pope for this purpose, and had instructions to declare the queen "an heretic, and that she had forfeited her dominions for her "disbelief." The earl of Northumberland lay at Topcliff, at his house there, before he openly took up arms; and being informed in the night of the 14th of November, that a scheme was laid for seizing his person, he rose hastily from his bed, and withdrew to the earl of Westmorland, then at Brancepeth, where their

Earle Percy there his ancyent spred,
The halfe-moone shining all soe faire:
The Nortons ancyent had the crosse,
And the five wounds our Lord did beare.

Then Sir George Bowes he strait way rose,
After them some spoyle to make:
Those noble earles turn'd back againe,
And aye they vow'd that knight to take.

That baron he to his castle fled,
To Barnardcastle then fled hee;
The uttermost walles were eathe to win,
The earles have wonne them presentlie.

The uttermost walles were lime and bricke;
But though they won them soone anone,
Long e'er they wan the innermost walles,
For they were cut in rocke of stone.

Then newes unto leeve London came
With all the speede that ever may bee,
And word is brought to our royall queene
Of the rising in the north countrie.

Her grace she turn'd her round about,
And like a royall queene she swore,
I will ordayne them such a breakfast
As never was in the north before.

She caus'd thirty thousand men to be rays'd
With horse and harneis faire to see;
She caus'd thirty thousand men to be rays'd
To take the earles i' th' north countrie.

Wi' them the false earle Warwick went,
Th' earle Sussex, and the lord Hunsden;
Untill they to Yorke castell came
I wiss they never stint ne blan.

Now spred thy ancyent, Westmorland,
Thy dun bull faine would we spye:
And thou, the earle o' Northumberland,
Now rayse thy halfe-moone up on hye.

But the dun bull is fled and gone,
And the half-moone vanish'd away:
The earles, though they were brave and bold,
Against soe many could not stay.

Thee Norton, wi' thine eight good sonnes,
They doom'd to die, alas! for ruth!
Thy reverend lockes thee could not save,
Nor them their faire and blooming youthe

Wi' them full many a gallant wight
They cruellye bereav'd of life;
And many a childe made fatherlesse,
And, widowed many a tender wife.

is a dun cow with a golden collar; and the Nevilles of Clyte in Yorkshire (of the Westmorland branch) gave for their crest, in 1513, a dog's (greyhound's) head erased. So that it is not improbable but Charles Neville, the unhappy earl of Westmorland here mentioned, might on this occasion give the above device on his banner.—Percy.

——In another copy,

"Sett me up my faire dun bull,
"Wi' th' gilden hornes hee beares soe hye."

See the 2d vol. (where this is fully illustrated) at Raby.

dependents came in to them. On marshalling their army, they published a manifesto, in which they set forth, "That they had "taken the field, only to restore the religion of their ancestors, "to remove evil counsellors, to enlarge the duke of Norfolk "lately imprisoned, and recommend other discountenanced men "of quality to the queen's favour: As for her majesty, they were, "and resolved to be always, her most obedient subjects, and "should never attempt any thing against her." Besides this manifesto, they sent circular letters to the Roman catholics, to exert themselves and join them: But these men, as Camden says, were so far from closing with the invitation, that most of them sent up their letters, with those that brought them, to the queen; and, from all quarters of the kingdom, offered the crown their assistance against the rebels. The chief banner the insurgents displayed, had the crucifixion represented thereon, with Christ's five wounds, which was borne by Richard Norton, esq; of Norton-Coniers, who, with his sons, Christopher, Marmaduke, and Thomas, (expressly named by Camden) distinguished themselves on this occasion; the banners of the two earls are named in the old ballad given in the notes. They marched to Durham, where, meeting with no opposition, they entered the churches, tore and defaced the bibles and common-prayers, and celebrated mass with the ancient ceremonies. They proposed to proceed immediately to York; but receiving intelligence, that the queen of Scots was removed to Coventry, that the earl of Essex had raised a powerful army against them, that Sir Robert Bowes had commanded a number of forces then almost upon their rear, and the lord Scroop and earl of Cumberland had strengthened Carlisle, they turned first to Rabycastle, one of the earl of Westmorland's seats, and thence to Barnardcastle, which was shut against them by Sir George Bowes; at which they were so much irritated, that they determined to reduce it before they advanced farther, and spent eleven days in a siege before the fortress was surrendered. The army advanced to Clifford-Moor, near Wetherby, where the muster-roll was called over, and it was found their troops consisted only of 4000 foot and 600 horse. The two earls, who spent their large revenues in hospitality, and were much beloved on that account, were masters of little ready money; the earl of Northumberland brought with him only 2000 crowns, and the earl of Westmorland no cash for the subsistence of their forces; from whence they were unable to proceed: They were disappointed in the support they expected both in men and money. Under such circumstances, the earl of Westmorland began so visibly to despond, that many of his men shrunk away, though

the earl of Northumberland still kept up his resolution, and was master of the field till the 13th of December; when the earl of Essex, accompanied by lord Hunsdon, having marched out of York at the head of 7000 men, and being followed by a still larger army under the command of Ambrose Dudley earl of Warwick, the rebels retreated northwards, first to Raby, then to Auckland and Hexham, and lastly to Naworth-castle, from whence the earls escaped into Scotland: The earl of Westmorland fled to Flanders, where he led a very poor life, even to an advanced old age, living on a slender and ill-paid pension from the crown of Spain; but the earl of Northumberland was surrendered by a treacherous borderer, and suffered decapitation at York. Though this insurrection was suppressed with so little bloodshed in warfare, the earl of Essex, and Sir George Bowes marshal of the army, delighting in slaughter, put vast numbers to death by martial law, without any regular trial: Sixty-six people were executed at Durham; among whom were Plumtree a priest, Struther an alderman, and several peace officers; many others were put to death at York, and some removed to London: Sir George Bowes made an inhuman boast, that in a tract of country, sixty miles in length, and forty in breadth, betwixt Newcastle and Wetherby, there was scarce a town or village wherein he had not sacrificed some of the inhabitants to his thirst of blood. The earls of Westmorland and Northumberland, with the countess of Northumberland, Egremond, Radcliff brother to earl of Sussex, Edward Dacre of Morton, John Neville of Leversege, J. Swinborne, Thomas Markenfield, Christopher Neville, Richard, Christopher, Marmaduke, and Thomas Norton, Robert* and Michael Tempest, George Stafford, and about forty more, of noble extraction or of other distinction, were attainted of high-treason or outlawed, and their possessions forfeited.

The queen having seized the earl of Westmorland's estates within the bishopric of Durham, bishop Pilkington instituted his suit, wherein it was determined, "*That, where he hath jura regalia, "he shall have forfeiture of high-treason.*" This being a case after the statute for restoring liberties to the crown, is materially worth the reader's attention.† But by an act of parliament, made in the 13th year of Elizabeth, 1570, c. 16, "The convictions, outlawries, and attainders of Charles earl of Westmorland, and

* The Leazures, near Durham, were the estate of this Robert Tempest, and being forfeited, were granted out by bishop Pilkington.

† Dyer's Rep. p. 286, 289. a. Bishop Pilkington's case about the E. of West. forfeitures.—Lord Coke's 4th Inst. p. 219.

fifty-seven others, attainted of treason for open rebellion in the north parts, were confirmed:" And it was enacted, "That the "queen, her heirs, and successors, *should have, for that time*, all "the lands and goods which any of the said persons attainted "within the bishopric of Durham, had, against the bishop and his "successors, though he claimeth *jura regalia*, and challengeth "all the said forfeitures in right of his church." So that the See was deprived of the greatest acquisition it had been entitled to for many centuries. This and a following instance testify, that the crown regarded the bishopric of Durham as too overgrown a possession.*

Bishop Pilkington being the first protestant prelate that held the bishopric of Durham, was obliged to keep out of the way of the insurgents. Fuller tells us, the reason for parliament taking the forfeited lands from the bishopric of Durham, was the great expence sustained by the state, in defending the bishop's family and his See in that rebellion, "when both his infant daughters, "conveyed away in beggars' cloaths, were sought for to be killed "by the papists." He adds, "These afterwards, with four thou-"sand pounds a-piece, were married; the one to Sir James "Harrington, the other to Mr Dunce of Berkshire; which por-"tions the courtiers of that age did behold with envious eyes, for "which the bishopric sped no whit the better."† In another place,‡ "And I have heard that queen Elizabeth, being informed "that Dr Pilkington bishop of Durham had given 10,000*£*. in "marriage with his daughters, and being offended that a prelate's

* *Statutes made in this bishop's time relative to the bishopric.*

1562, 5 Eliz. ch. 26. An act for inrolment of indentures of bargain and sale in the queen's majesty's courts of record at Lancaster, Chester, and Durham.

——— ch. 27. An act touching fines to be levied in the county palatine of Durham.

——— ch. 23. An act for the due execution of the writ *De excommunicato capiendo*. Proviso, extended to Durham.

——— ch. 25. An act to fill up juries lacking in Wales *De circumstantibus*. Extended to Durham.

Ath. Oxon. vol. i. p. 690.—Fuller's Worthies, Lancashire, p. 110.—Ch. Hist. cent. 16, p. 109.—Strype, Eliz. c. 15, 19, 21, 22.—Life of Grindall, p. 54.—Parker, p. 93, 94.—Stryp. Ann. vol. i. p. 248, his character.—Ibid. p. 261, his sermon.—How's Reg. p. 128.—Heylin. Examen. Historicum, p. 103.—J. Fox the martyr wrote an epicide on his death.—Ath. Ox. p. 690.—Grey's MS. notes.

Spearman, in his Inquiry, says, "The charter for clothworkers and walker craft in Durham was granted by bishop Pilkington."—An. 7, pont. sui. p. 19.

1560, 3 Eliz. De regio assensu pro J. Pilkington episcopo Dunelm.——Rymer's Fœdera, vol. xv. p. 607.

1561, ——— De restitutione temporalium pro J. Pilk. ep. Dun.——Ibid. p. 608, 611.

1566, 8 Eliz. Restitutio temporalium pro episcopo Dunolm.—Ibid. p. 611.

† b. ix. p. 109. ‡ b. v. p. 253.

" daughter should equal a princess, in future took away 1000*£*. " a-year from that bishopric, and assigned it for the better main- " tenance of the garrison of Berwick." This payment continued for some time after the bishop's death.

The consequence of reformation was the rise of various sectaries; of those dissenters, the puritans were most vehement; avoiding superstition, they assumed another mode of enthusiasm, more inconsistent with Christian rules, pretending to an inspiration of the Holy Spirit, against which kind of blasphemy the most tremendous judgment is denounced in the gospels; when, like the sybils of old, they were only convulsed with the workings of the devil, and the spirit of lying hypocrisy. Collier says,* " They " had several great men, who favoured their interest, both in " church and state; amongst the ecclesiastics, Pilkington bishop " of Durham wrote to the earl of Leicester, another of their " friends, in their behalf."

The year 1564 is remarkable for a contest about the ecclesiastical habit, and various irregularities which had taken place in the service of the church, represented in a paper sent up to secretary Cecil,† which displays a most shocking contrast to the the ancient solemnities; for though the reader may not encourage too much ceremony, yet he must condemn slovenliness, negligence, and irreverence in the holy places, where *the presence* is invoked by *two or three gathered together in the name of God.* Bishop Pilkington had brought home with him some Calvanistical fancies; he entertained scruples about the habit, and disliked the cap and surplice, though not to that degree as to refuse wearing them: However, he was by no means for forcing compliance upon other people; but when he observed this was matter was going to be urged by the court, he wrote a long and earnest letter, dated from Auckland the 25th of October, 1564, to the

* Vol. ii. p. 494.

† " Some say the service and prayers in the chancel, others in the body of the church; some officiate in a seat, some in the pulpit with their faces to the people; some keep close to the rubrick, others entertain the people with singing psalms between the service; some read with a surplice, and others without it.

" In some places the communion table stands in the body of the church; in some places it stands altarwise, at a little distance from the wall; in others, in the middle of the chancel.

" Some administer with a surplice, and others with none; some with a communion cup, and others with a common one.

" Some receive kneeling, some standing, and others sitting.

" Some baptize in a font, and others in a bason; some sign with a cross, and others omit it; some administer this sacrament in a surplice, and others appear without it.

" Some of the clergy wear square caps, some round ones, and some hats; some appear in the habit of scholars, and others without that distinction."—Cecilian's Life of Archbishop Parker, MS.

earl of Leicester, entreating him to use his interest to oppose it.* Some of the most striking passages are, "That in those superstitious parts where he lived, priests went with swords and daggers, and such coarse apparel as they could get, not regarding colour or fashion: That this realm had a scarcity of preachers, and many places were left destitute of any: The bishops wearing their white rochets, began first of Sisimus, an heretic bishop of the Novatians; and the others have the like foundation." He justifies himself, and answers the objection *Medice cura teipsum*, from St Paul's practice, who, he says, used circumcision for a time, as of liberty; but when it was urged of necessity, he would not bend to it. Bucer, when he asked why he did not wear *quadrato pileo?* made answer, *quia caput non est quadratum.* Whittingham, the then puritanical dean of Durham, also wrote to the earl a letter, full of follies and improprieties, which shall be noted hereafter.†

From the troublesome state of public affairs, we cannot wonder that no works in this province are attributed to bishop Pilkington. The hands of ecclesiastics were busied in defacing the ornaments of the churches, and, under colour of removing objects of superstition, spoiling and pillaging many comely decorations, which contributed to the solemnity and dignity of the holy places. The bishop visited his cathedral on the 29th of October, 1561;‡ and again on the 1st of October, 1567: It is probable, the latter visitation was in consequence of orders, issued by the queen's commissioners, for the removal of superstitious books, and defacing plate in churches remaining in superstitious fashion. Such orders were issued about this time:‖ But the bishop was still attentive to the possessions of his See, as will

* Collier, vol. ii. p. 494.—E. MS. CCCC, Miscell. B.—Strype's Life of Abp. Parker, l. ii. c. 19.

† A. D. 1564. All archbishops and bishops should appear in the customary habit. That all deans, archdeacons, masters of colleges, dignitaries in cathedral churches, doctors, bachelors of divinity and law, should wear, when they went abroad, a side gown with sleeves, streight at the hand, without any cuts or falling cape, and that they should wear tippets of sarsnet, as was lawful for them by act of parliament, 24 Henry VIII. That all doctors of physic or any other faculty having any living ecclesiastical, or any others that may dispend by the church 100 mark, so to be esteemed by the fruits or tenths of their promotions, and all prebendaries whose promotions are valued at 20l. or upwards, wear the same apparel. That they and all ecclesiastical persons or others having any ecclesiastical living, do wear the cap appointed by the injunctions, and not hats, except on journies. That in their journies they wear cloaks with sleeves. That all inferior ecclesiastical persons shall wear gowns and caps of the same fashion.—Printed by Wolfe in the year 1564. See Sparrow's Collections.

‡ Skinner's Reg. p. 142, 143.

‖ Vide several instruments for the purposes here mentioned in bishop Sancroft's *Collectanea Curiosa*, vol ii. p. 274, 275, &c. Printed at Oxford, 1781.

appear in the extract from the 2d vol. of Strype's Annals given in the notes.*

* JAMES PILKINGTON, the grave and truly reverend bishop of Durham, deserveth to have some notice taken of him, being one of the pious exiles, that at their return were the first bishops settled in the newly reformed church of England. He was still alive, but by reason of his age very much pinched by the winter's cold in that northern part of the nation. The queen required residence of her bishops in their dioceses; and would not permit them to come up to London without special leave; that they might keep hospitality, and their presence might awe the papists, specially in those parts. It was now September in the declining of the year, when this good bishop signified to the lord treasurer, both his desire to come into these southern quarters for the avoiding the extremity of the winter season, and also his pious acquiescence in God's disposal of him, what ever should happen. For these were his words to that lord, *That the common griefs that he had suffered their for sundry winters past, made him to think what he should look for the winter that was then at hand. That it had begun so sharply with him already, that he feared the latter end would be worse: And therefore, if his lordship thought good to move her majesty, that he might come up this winter, he should desire him to let him understand her highness's pleasure. That if his wisdom thought the time served not for such a motion, he should content himself, and commit himself to his hand that had both life and death, health and sickness, at his commandment. There is a highway out of all countries, out of which free passage, I pray God, I doubt not.* And then, to incline the queen to allow of his absence from thence, he shewed, *That the country there (praising God for it) was outwardly quiet enough, and that more continuers than aforetime would abide there, as Sir George Bowes and his brother were there (at Durham) besides others of the council at York. He appointed nothing, but referred him wholly to his lordship's discretion, to deal for him as he saw cause. Only this he would crave of his goodness, to know with such convenient speed as might be, what he might do with good leave, come or tarry, that he might prepare himself thereafter; for when the weather should be sharper, he should not be able to travel, if he would hereafter.* And then he ended with a prayer: *The great God long preserve you to serve him, to his glory, his lordship's honour, and the comfort of the people. 22d September, 1573.*

Your lordship's to command,

JA. DURESME.

It may be added here, concerning the bishop, what labour and care he took to preserve the revenues of his bishopric, (some parts whereof were unrighteously detained till the year 1565) and the endeavours he used for the recovery of them.

The following were the detained lands and their values, as he wrote them down, and sent the paper thereof to Sir William Cecil, secretary. The values were according as the lord treasurer had rated them.

Norham and the Shire	120	0	0	Middleham	19	6	11
Esington Ward ...	323	13	4	Gateshed	24	11	7
Esington Coronator ...	72	9	0	Creik	39	7	4½
Sadberg	23	0	11	Allerton and the Shire	218	9	1¼
Cotton Mundivel ...	47	16	1	A pension out of Howden	91	5	8¾

All parcels of the county palatine.

The state of this business the bishop set down after this manner in a letter to Cecil, hoping to have some order by his means:

GRATIA & Pax. I have sent your honour a note of such lands as be detained from me, with the valor of them, as the lord treasurer rated them. Norham, and the shire, is exempted from Cumberland, and made part of the county palatine of Durham, and of as great liberties. So is Creik in al things from Yorkshire. And al suits and prisoners come to Durham. Allerton has great liberties, but not fully so much. Al other parcels lie within the county of Durham.

The inconveniences in detaining them, as the lawyers say, is such, that al such as holde any lands within these parcels of the bishop, cannot sell, nor aliene, nor make

The bishop was far from indolent in ecclesiastical duties; for he wrote several religious tracts, that were well received; besides

a good conveyence or state in law, to any person; not so much as a jointure to his wife, as hath been proved of late; nor sell any part after his office found. Because the bishop cannot give him his *liberate* of them: As even now is in experience by one Claxton, that sold his land to Perkinson. Who procured divers of the councils letters, that I would grant him his *liverie*. Which I cannot, being exempted from me. Nor the queen's majesty nauther can grant it him; for that she holdeth them contrary to law. And having not his liverie, say the lawyers, *Nullum ei restat liberum tenementum*. The like is judged to be in copyholders and leases also. Which causeth great murmurings among the people, and maketh many intruders and usurpers. Whereof must needs issue infinite suits, brawlings, and quarrellings. Which I am sorry should chance in the time, or by occasion of any that professes Christ's Gospel. And surely the people say, this is the fruit of our religion, to procure such mischiefs. I can wish the amendment of it, but God must work it. And for my own part, I will be no partaker of any such injuries to so many people, so farre as I may avoid it.

Furthermore, it were time. The danger is great; The shire is smal. And yet if any of the wardens of the marches send for aid to the bishop on the sudden, he must give them help. The shire is divided into four wards. Of which is detained from me a ward and an half. There be seven lords within the shire, Northumberland, Cumberland, Westmorland, Dacres, Evers, Scrope, Lumley; that have great lands and liberties; where the bishop hath not to do. Beside the dean and chapter, and the great liberty of the queen's majesty's lands in Barnard's Castle, and other suppress lands; of which none be at the bishop's command. Al these being taken from the bishop, it is easy to see what aid the bishop shall be able to give in time of need. For none of the others do sturre without special commandment from the prince: Nor be at the warden's commandment.

But this harm is not only in war, but in commissions, juries, carriages, &c. None, or few of these, do serve the queen, save only the bishop's tenants, and few of the poorer freeholders. The commodities, which be thought great for the wardship, marriages, and reliefs, I assure your honour, are very smal. For every man almost hath purchased suppress lands, and so become wards to the queen. Truly, I have had only one poor relief these five years, of 20l. for all offices that were found.—Coals, which is the great commodity of the country, there is none at al within these detained lands; nor wood, saving a little at Allerton: Out of my woods, I give the tenants of these detained lands for their reparations. This commodity I have by it. Besides that I pay the queen's majesty her rent duly, although they pay me slowly.

God grant, that these things may be duly considered; and then it wil easily appear, whether I seek mine own profit, or the advancement of justice, and avoiding of injuries and mischiefs to many people, 'The Lord long preserve you to serve him, and his people to his glory, their comfort, and your heart's ease.'

Your's wholly
JA. DURESME.

The bishop, who was thus diligent and conscientious in soliciting the recovery of the lands and lordships aforesaid, for the good of his church, was at last successful, and did obtain the restoration of them again, by the good assistance of Cecil; but still with the burthen of a considerable rent-charge to be paid to the queen, her heirs and successors, of 1020l. yearly, as appears by an authentic paper, expressive of the same; that is, for the mannors and lordships situate in the county of York and bishopric of Durham 880l. For those in Northumberland and Elandshire, in the county of Northumberland 140l. These lands were retained by virtue of an act of parliament made in the first year of the queen.

The paper, (belonging to bishop Hutton's time) bears this title: "a parcel of possessions late of the bishopric of Durham, now retained in the hands of our sovereign lady Elizabeth, by virtue of an act of parliament in the first year of her reign."—

the sermon preached by him at St Paul's Cross, on the burning of St Paul's cathedral.* He was the author of a defence of the English service:† He composed three devout prayers:‡ He drew up statutes for the consistory, the MS. copy of which counsellor Gray was possessed of. Besides those, he was author of an exposition of the book of Ecclesiasticus, and the epistles of Peter and Paul to the Galatians.

In Whittingham's Register, there are instances where the bishop stiles himself "by the grace of God,§ *misiratione divina*,‖ "and *reverendissimus*."¶ He departed this life on the 23d day of January, 1575, ætat. 55, and was first buried at Auckland; but afterwards removed, and interred in the choir at Durham cathedral, before the high altar, at the head of bishop Beaumont's tomb: His epitaph was a piece of refined monumental flattery, and gives him more than his share of excellencies.** His

And then are set down the names of the lordships and manors situate in the counties of York and Durham. And then follows: *Que omnia præmissa concessa fuerunt Jacobo nuper episcopo Dunelmensi; ac modo Matthæo episcopo Dunelmensi: Reddendo inde dominæ reginæ, hæredibus & successoribus suis per annum* 880l. And after this, there is a particular of the possessions in Northumberland; and the yearly payments for them, viz. 140l.; and then, at the bottom thereof is writ, "Memorandum, these two sums above-mentioned have been yearly answered to her majesty, since the first retaining of the same hitherto."

He commenced a suite with queen Elizabeth in the 13th year of her reign 1571, for forfeitures of the lands and goods of Charles Nevil earl of Westmorland and other outlaws in the county, who had been in actual rebellion against their country; and had prosecuted this suite if the parliament had not interposed, when an act was passed for attainting the earl and others of the rebellion, the bishop's right to the forfeitures within the county palatine is thereby declared and saved, tho' for that time the charge of the war to rescue the bishopric and suppress that rebellion, and other reasons of state, occasioned them to be given to the queen upon some recompence to the bishop.

Upon the restoration of king Charles II. in the 12th year of his reign 1661, an act of parliament was made which took away the court of wards and all wardships through the kingdom.

* Strype's Annals, vol. i. p. 227. † Ibid. p. 156, a'o 1559.
‡ Ibid. vol. ii. App. p. 103, 104.
§ Ibid. vol ii. p. 144. ‖ Ibid. p. 161. ¶ Ibid. p. 180.

** Willis, in his Cath. vol. i. p. 246, says, "On his grave-stone several verses were engraved on brass plates, long since defaced;" and quotes them from a manuscript preserved in the Bodleian library, as follows:

Ad domini Jacobi Dunelmensis episcopi obitum, Laurentij Humphridi monumentum.

HIC jacet antistes, crudeli morte peremptus,
Præsulibus nescit parcere Parca ferox.
Insignem pietate virum, gravitate verendum,
Doctrina clarum, sustulit atra dies.
Sic caro, sic gramen, sic omnes gloria fœnum:
Sic cadit, ah! nostri flosque decusque soli.

brothers, John and Leonard Pilkington, were prebendaries of Durham: Leornard was doctor in divinity, master of St

In clarissimum virum præsulem doctissimum dominum Jacobum episcopum Dunelmensem, epicædium Johannis Fox.

Si tua quanta fuit gravitas, prudentia, virtus;
Si tua quanta fides, curaque quanta gregis;
Tantum te nostræ possint celebrare camenæ,
Doctaque sic possit te decorare cohors.
Mortuus haudquaquam sic nunc Jacobe jacere,
Nec tegerent cineres marmora dura tuos.
Aureus at toto stares hoc marmore et alti,
Sidere percuteres vertice celsa poli:
Aurea sic meruit pietas tua mensa manusque
Mensa manus nullo tempore clausa boni
Hujus forte viri nomen patriamque genusque
Carmine quid ferimus si modo scire cupis
Munere præsul erat patria Lancaster honestis
Artibus excoluit quem schola Cambrigia;
Pilkingtonia dum dedit hunc generosa propago
Cum tenuit sedes sancte Dunelme tuas.
Consilio præstans verbo gestu ore severus,
Exillio constans clarus honore domi.
Verbi præco sacri, Boreæ laus inclyta clari
Signifer Arctori sidus honosque Poli.
Alter Aristides, alter Rhadamanthus, iniqui
Vindex, justitiæ norma severa sacræ.
In doctos φιλοσοφος erat, φιλοπτωχος egenis,
Utque simul dicam παμφιλοχρις erat.
Talis erat cum vivus, eret quid mortuus, ergo est:
Christo qui vivit morte perire nequit.

In the Addenda, Willis says, the proper epitaph, as transmitted to him by Mr Baker, of St John's, was as follows:

D. *Jacobo Pilkingtono* episcopo Dunelm. dioc.
(Cui per annos 14, menses 10, et dies 23, maxima
Fide præfuit) Lacastrensi, ex equestri
Pilkingtonorum familia, *Rivingtoniæ* oriundo;
Et schola ibid. grammaticalis sub nomine et auspiciis
Elizabethæ reginæ fundatori piissimo:
Cantabrigiæ in col. D. Johan. primum alumno, post
Magistro, ac tandem in acad. ipsa professori disertissimo,
In *Aggeum* et *Abdiam* et in *Nehemiæ* partem
Anglico interpreti vere ecclesiastico.
Mariana tempestate religionis ergo inter alios
Pios, exuli Christiano.
Eruditione, judicio, pietate, disputatione, concione,
Justitia et hospitalitate, viro sui seculi clarissimo.
Aliciæ ex equestri *Kingsmillorum Sigmentoniæ* in com.
Hampton marito; ac, *Josuæ*, *Isaaci*, *Deboræ*, et *Ruthæ*,
Liberorum parenti sanctissimo.
Aucklandiæ episc. 23 Januarii 1575. Eliz. regin. 18,
Morientii, et ibi condito: Posthac Dunelmi 24 Maii
Sepulto anno ætatis 55.
Domini Jesu servo posuit *Robertus Swiftus*, suus in
Ecclesiasticis cancellarius et alumnus.

John's College, Cambridge, and regius professor there.* Bishop Pilkington left the palaces and other edifices of his See in such a ruinous state, that his successor proceeded at law against his executors for dilapidations;† an instance which had not happened before the reformation.‡——During the short

* "Pilkington was of a good family in the north, and had learned brothers, viz. "Leonard and John. The latter, being professor of divinity, he made his chaplain, "and soon preferred to a prebend in his church, 2d Oct. 1561; and collated him to "the archdeaconry of Durham 5th Dec. two years after. He also preferred to a "a prebend in his church, another very learned man and an exile; viz. Thomas "Lever, S. T. B. formerly of St John's College, and sometime master, as was the "bishop himself: He was also master of Sherburn Hospital, in the diocese, which "he held to his death: But of this prebend he was deprived, I suppose, for refusal "to comply with the ecclesiastical orders prescribed. The said bishop also gave a "prebend in his said church to another exile of the same stamp, viz. John Fox. I "make little doubt it was the same John Fox that was the martyrologist; being enti- "tled, in the Register of Durham, *Artium magistri, et sacri verbi Dei professoris.*'——Strype's Ann. vol. i. p. 237.

"So for some other favours did Pilkington, the good old bishop of Durham, do the "last year of his life, and the last time we shall hear of him, to this common patron "of the clergy. The one was relating to his office as treasurer; to wit, that he the "bishop, for preventing the trouble of his sending the clergy's tenths, and the danger "of robbery by the way, might pay them in at Berwick, as the other bishops in those "parts did. The other matter which he desired of his lordship, was to know, how "his answer for the lease that was required of him for the fishing in the bishop's "waters at Norham was taken; to be made, it seems, for the benefit of some courtier: "Which he would not yield to, to the injury of the bishopric. Thomas Barnes, his "next successor, did."——Ibid. vol. ii. 387.

† Strype's Ann. vol. ii. p. 432.

‡ *The See vacant*

Guardian,—Rob. Tempest, ap. guard. and high-sheriff, 27th Feb. 1559.—Rym. Fœd. vol. v. p. 569.

Temporal chancellor,—Mich. Wandesford, esq; oc. last of Nov. 1560; (Copyh. Books marked N, p. 75) again 22d Feb. 1560.—Ibid p. 64.

Senescal,—Rob. Meynell, serv. ad legem.——Cotom Mund. C. Baron tent. 3d Nov. 1559.—Copyh. B. M. p. 1032, last page.

James Pilkington, S. T. B.
Leave of election, 26th Dec. 1560.
Royal Assent, 20th Feb. 1560.
Consecrated 2d Mar. 1560, aged 45.
Temporalities restored, 25th Mar. 1561, and 13th June 1566.——Strype's Ann. vol. i. p. 201.
Obiit 23d Jan. 1575.

Officers of the See during Bishop Pilkington's time.

High-sheriffs,—Rob. Tempest, esq; ap. 1st May 1561.
Rob. Bowes, oc. a° 5° & 15°.—Auditor's Roll.
W. Hilton, knt. oc. 19th Sept. 1575.

Escheator,—W. Fletwoode, gent. of the Middle Temple, ap. 1st May, 1561, for life; confirmed by dean Skynner and chapter of Durham, 2d June 1561; confirmed again by dean Whyttingham and cha. 26th August 1567. Engl. Baronetage, vol. i. p. 196.—Sir Wm Fletwoode, knt. son of Tho. Fletwoode, esq; was receiver of the court of wards, and master of the mint.

vacancy of the See, several powerful interests were employed to gain so lucrative an appointment: No reformation had yet reduced the genuine charms of riches, which still retained due weight with ecclesiastical characters. The bishopric of Durham was divested of many of its honours; the power of its prelate was become greatly limited, when compared with ancient times; and the bishops, after the reformation, possessed not the honours and employments of the court: Yet the palatinate held those charms which allured the wishes of the clergy. Dr John Meye,* or May, made very great interest to obtain the See: But

RICHARD BARNES,

then bishop of Carlisle, was translated to Durham; being elected the 5th of April, 1577, had the royal assent on the 29th of the same month, was confirmed on the 9th of May, enthroned on the 19th, and had restitution of the temporalities on the 29th of that month.†

Temporal chancellors,—Ra. Skinnar, cl. chanc. oc. 19th Jan. 1561; (Copyh. Book, N, p. 107) again dec. et canc. 22 Aug. 1562. Rot. M. N° 23. indorso, again 8th Jan. 1562. (Copyh. Book, p. 135.)—John Taliford (MS. Gray) deputy.

Tho. Layton, arm. discretus vir. ap. during pleasure 10th Feb. 1562. Rot. M. N° 41 indorso.

Tho. Calverley, ap. during pleasure 12th Nov. 1563. Test. Tho. Layton, arm. apud Auckland. Constitutus canc durante vita, 14th Sept. 1565; confirm. dec. Whyttingham & cap. 20 Nov. 1565. Son of Wm Calverley, of Calverley, c. York, knt.—Rot. M. N° 23, indorso.

Senescal,—Rob. Meynell serjeant at law, oc. 30th Mar. 1561. (Copyh. Books, N, p. 80) the last time.

Tho. Calverley, esq; ap. for life at Auckland, 12th Nov. 1564; confirmed by dean Whittingham and cha. 24th Dec. 1563; again Nov. 20th 1565.—13th Copyh. B. N, Pilkington and Barnes, about a° 1560 to 1589, contains 1062 pages.—Will. Fletwoode, loco cap. sen. oc. 12th Sept. 1561; (Cop. Book, N, p. 52) and again 24th Sept. last time.—Tho. Layton, arm. oc. loc. cap. sen. 20th Apr. 1562, (Ibid. p. 83) first time; again 22d Oct. 1563, p. 184.

Attorney-general,—Tho. Layton, arm. fee 100s.———Randal's MSS.

* He was master of Catherine-hall; and, Mr Strype supposes, brother to Wm Meyne, dean of St Paul's. In 1570, was vice-chancellor of Cambridge; in 1575, archdeacon of the East Riding of Yorkshire; and on 29th September, 1577, was consecrated bishop of Carlisle.——Strype's Annals, vol. ii. p. 435.——Burn's Cumberland, p. 285.

† It was through the lord-treasurer Burleigh's interest that he was promoted to this See, on account of some good services he was to do in that capacity for the queen and religion, according as that lord had suggested to be expected from him. The bishop soon after professed his thankful acknowledgments, in the following letter to the lord-treasurer.——Strype's Annals, vol. ii. p. 451. Appendix, 105.

"My most humble duty and commendation of all faithful service unto you my "dear and singular good lord ever premised, whose I rest in the lord Jesus, &c. I "am to render not only by these letters most intyre thanks to your honour, for your "goodness towards me, in commending me to her highness in way of my preferment

During the vacancy, Sandys archbishop of York attempted to revive the old contended privilege of visiting the cathedral of

" to Durham, and for interposing your credit for my service, &c. which I understand " from Mr Warcoppe your lordship hath in most amplewise done; but also to devow " myself and service unto your honour for ever, and to assure you, that neither I " shall be found unthankful or ingrate, nor unmindful to accomplish your lordship's " behests, and so as I trust shall tend to the advancement of God's glory and her " highness good service, and your lordship's good comfort, and that within short time, " *if I may be well backed at the beginning* by her highness and your good lordship, and " other of the honourable privy council, as I doubt not but I shall be: My singular " good lord and patron, I most humbly beseech your honour to account and accept of " me and mine as your own, and so to use and command the same.

" Your lordship was mine only preferrer to Carliell, where I have served my seven " years, and I trust discharged the promise yee then made unto her highness on my " behalf, which in this poor and bare living was all that I could do; now by your " good means, being preferred to a better, if in time I be not thankful, &c. if I dis- " charge not my duty, and answer not your undertakings, then deserve I to be " noted as most ingrate, and as the poet saith, *Ingratum dixeris, quidvis dixeris*; and " so beseeching your lordship of continuance of your good favour towards me, I rest " your own, and here cease to trouble your lordship by letters any further, untill it " may please God that I may come myself to do my duty to your lordship, which " that your good lordship would hasten, and consumate that which you have begun " for me your poor client, I most humbly pray God bless and encrease his heavenly " graces upon your lordship, with prosperous health and encrease of much honour, " Amen. From the Rose Castle in Combreland the twenty-third of March, 1576.

" Your good lordship's most bound and at commandment,

" RI. CARLIOLEN."

The See vacant.

Guardian,—Tho. Calverley, esq; temp. chanc. of Durham, ap. keeper of the great seal of Durham 19th Jan. 1576. He received an order from the queen to make Geo. Bowes, knt. high sheriff, given under her signet at her manor of Greenwich, 5th July 1576.

Escheator,—Wm Fletwoode, gent. recorder of London, 1571; res. 1591. Made a serjeant 1580; queen's serjeant 1592; member of parliament for London, 14 Eliz.; then recorder, 27 Eliz.; then serjeant at law; 28 Eliz. recorder; 31 Eliz. recorder.

Temporal chancellor,—Tho. Calverley, esq; Rot. p. mort. Pilk. N° 1.

Constable of the castle,—Francis Tunstall, fil. & he's Marmaduci Tunstal, oc. 1557.—Copyh. Book, M, p. 984.

Senescal,—Tho. Calverley, esq; 10th Apr. 1564, (Cop. Book, p. 984;) last of Apr. 1575, sede vac. (p. 648;) 1st May 1577, sede vac. (p. 704.)

Rich. Barnes, bishop of Carlisle.

Leave of election, 20th Mar. 1576.
Elected 5th April 1577.
Royal assent 29th Apr. 1577.
Confirmed 9th or 10th May 1577.
Enthroned 19th May.
Temporalties restored 29th May.
Died 24th Aug. 1587, aged 55.

Officers of the See in the time of Bishop Barnes.

High-sheriff,—Will. Hilton, knt. oc. 20th Aug. 1580.

Escheator,—Wm Fleetwood, gent. ob. 1593.—Tho. Layton, esq; his deputy.

Temporal chancellor,—Tho. Calverley, esq; chancellor.—Chr. Maire, (temp'e Barnes & Hutton, L. Gray) perhaps deputy; he was certainly coroner of Chester ward, 20th Dec. 20th Eliz.

Constable of the Castle,—Fra. Tunstall.

Hen. Lyndley, gent. by the resignation of Tunstall, ap. for life 20th March 1582; confirmed by dean Matthews and the chap. 15th Sept. 1583.

Durham; but was denied by the dean and chapter, who strenuously opposed the innovation.*

Bishop Barnes was born at Bould, near Warrington, in Lincolnshire; and was bred at Brazen-Nose College, in Oxford, where, in 1552, he was admitted fellow, by authority of the council; in 1553, he obtained the degree of bachelor of arts; in 1555, was admitted master, and afterwards took a bachelor of divinity's degree; about the same time he took his master of arts degree, he received holy orders, and was made minister of Stonegrave, in Yorkshire; in 1561, was admitted chancellor of the cathedral church of York, and made canon residentiary and prebendary of Laughton in that church, as also public reader of divinity; about 1567, was consecrated suffragan bishop of Nottingham, in the church of St Peter, in York; on the 25th of June, 1570, was elected bishop of Nottingham, in the same church;† on the 25th of June, 1570, was elected bishop of Carlisle, and allowed to hold therewith his chancellor's stall and dignity in the metropolitical church, *in commendam*, for one year after his consecration, and the rectories of Stonegrave and Stokesley during life; he afterwards had the rectorial church of Romaldkirk, in the county of York, on obtaining which, Stokesley was resigned:‡ Strype says, "He "was preferred to Durham, in order to be a watch on the mes- "sengers from Scotland to the unfortunate queen Mary;‖" a circumstance that gives an unfavourable impression at the opening of his history. In 1579, he was created doctor in divinity at Oxford. On his first coming to Durham, he had a great contest with bishop Pilkington's widow for dilapidations.¶

We do not see this prelate in any public commissions, except his being named with the archbishop of York, the earl of Huntington, and others, in a commission dated 14th May, 1578, for visiting the church of Durham, where things were very much out of order;** and in all the troubles with Scotland, he and his palatinate are not distinguished. The dignities were removed from this once imperial mitre, and the riches as well as honours of the province were fallen under the hands of the spoiler. By virtue of the statute made in the time of the preceding prelate,

Senescal,—Tho. Calverley, esq.
Registraries,—Chr. Chaytor, esq; and Tho. Chaytor his son, not. pub. ap. for life joint registraries by bp. Barnes.
Thomas Chaytor, oc. 9th Apr. 1583.
Attorney-general,—Rich. Tailboys, arm.———Randal's MSS.

* Strype's Ann. vol. ii. p. 481. Appendix, 116.
† Ath. Ox. vol. i. p. 609, 607. ‡ Rymer, vol. xv. p. 684.
‖ Stryp. Ann. vol. ii. 431. Ap. 105. ¶ Stryp. Ann. p. 432.
** Strype's Annals, p. 521.—Rymer's Fœd. vol. xv. p. 785.

bishop Barnes, it said, alienated to the crown the royal franchise of Norham, with the castle and demesnes there, which the queen gave to the earl of Monmouth: but how this alienation was effected is not clear; for in the restitution of temporalities, Norham is not specified. Strype, in his Appendix of Original Papers, annexed to the second volume of Annals, has given a note of the particular lands and possessions of the bishopric, which our prelate disposed of.*

* A note of the particulars of the lands of the bishopric of Durham, demised to queen Elizabeth chiefly by bishop Barnes.

N° 1. Apr. 26, an. reg. 24, 1582. All the manours and towns of Whickham and Gatesíde, for the term of 99 years, under the yearly rent of 117l. 15s. 8d.—Memorandum. Lost in this lease 110l. reserved in leases in *esse*, which were for coalmines, to three persons, Anderson, Lewen, and White; and to one named Blakestone, for way-leave, 10l. per ann.

2. May ult. an. reg. 19, 1577. All the fishings in the water of Tweed, within Norham and Norhamshire, with all rents, liberties, issues, &c. for the term of 100 years, yearly rent 82l.—Memorandum.. These fishings are expressly restored to the new bishop, but paid to her majesty's receiver of Northumberland.

3. Apr. 17, an. reg. 20, 1578. All the water-mills in Darlington and Blackwell, for the term of 40 years, yearly rent 27l. 18s. 8d.

4 Jun. 20, an. reg. 20. All the rectory and parsonage of Leake in Yorkshire, and all the tythes, oblations, profits, and commodities thereunto belonging, for the term of 50 years, yearly rent 18l.

5. May 14, an. reg. 23, 1581. All the manour and graunge of Mildredge, with the appurtenances, term 80 years, rent 26l. 9s. 8d.

6. Oct. 24, an. reg. 24, 1582. All Wolsingham park, the water-mill there, chapel walls, &c. for 80 years, rent accustomed.

7. July 24, an. reg. 26, 1584. All the manour of Hovedon, in Yorkshire, &c. term 90 years, rent 34l. 0s. 8d.

8. Jan. 17, an reg. 27, 1585. All Coudon grainge, &c. all the manour of Morton, in the county of Duresme; twelve messuages in Stanhop park, at Westgate, &c. term 70 years, rent 62l. 1s. 8d.

9. Oct. 15, an. reg. 23, 1581. All those meadows and pastures called Bishop's Close, near Byers graunge; all Bishop Midlam park, with appurtenances; all the demesne of Midlam, &c. term 80 years, rent 18l. 1s.

10. Sep. 29 an reg. 28, 1586. All the manour of Crayke, and all graunges, houses, messuages, mills, &c. wastes, woods, demesne lands, quarries, wards, marriages, herriots, fines, courts, waves, &c. all jurisdictions, privileges, franchises, &c. all the manour of Welehall, the demesne lands there, the fishings in the waters of Owse, the demesne lands of Walkington, &c. all the wood and underwood at Walkington; the passages, shores, fishings, and fire-boot at Hovedon dyke, &c.—Strype's An. vol. ii. App. 65.

What it suffered in queen Elizabeth's reign, I shall give at length, as I took it from the patents.

Apr. 24, 5 Edw. VI. 1551. The king granted to his sister the lady Elizabeth, for her life, Durham-place, in St Martin's parish, in the Strand.—N. B. This was restored 4 Mary, 1557; and the reversion after her sister the said Elizabeth's life, granted to Cuthbert Tunstall bishop of Durham, and his successors: And so it falling an. 1602 to the See of Durham, was granted by bishop Cosin on a building lease, reserving to himself and successors a fee farm rent of about 200l. which is now paid.—N. B. On this ground the Adelphi buildings are erected.

An. 1561. The letters patent recite, that queen Elizabeth had taken from this bishopric, in the years 1559 and 1560, the manours of Norham, Norhamshire, Allerton, Allertonshire, Sadbergh, Middleham, Easington Ward and Coronator, Cotton

The deplorable account this prelate gave of the people of his palatinate to the lord treasurer, is set forth in the following letter:* "In the mean time, I assure your good lordship, the people of "Northumberland are far more pliable to all good order, than

Monvill and Gateshead; and so had exempted them all out of the restitution of the temporalities to bishop Pilkington. Teste March 25,——But,

An. 1566, Jun. 13. Other patents specify, that on a new restitution of the temporalities, all were restored, except Norham and Norhamshire: So that hitherto the See lost little, except paying its pension of 1000l. per ann. till bishop Barnes.

An. 1582. Leased out Gateshead lordship and borough; as he did, an. 1587, the manour and advowson of Craike, co. York, to Sir Francis Walsingham, as he had done Hovedon and Howdonshire, for 99 years: He also leased his mills at Darlington for 40 years, and his franchises of Norham and Norhamshire; making some grant almost every year during the eleven years he continued bishop. But I shall give the words of the patents as I took them.

An. 1577. The queen recites that Barnes bishop of Durham, May 31, an. reg. 19, granted her his fisheries in Tweed-water, and franchises of Norham and Norhamshire. She grants the same to Thomas Leighton, esq.

An. 1578. Elizabeth the queen recites, that R. Barnes bishop of Durham, an. reg. 20, demised to her his mills in Darlington and Blackwell for 40 years. She grants them to William Appleton. Teste Jun. 19.

An. 1581. The queen recites that R. Barnes bishop of Durham granted to her the manour of Mildridge for 80 years. Now the queen grants the said manour and her interest to Rich. Franklin. Test. Nov. 23, an. reg. 24.

An. 1582, Nov. 12. The queen recites, that R. Barnes bishop of Durham, an. reg. 23, June 20, granted her, for 79 years, the lordship and borough of Gateside, near Newcastle. The queen gives her interest to Henry Andrews and William Selby, aldermen of Newcastle.

An. 1585, 27 Eliz. The queen recites, that Barnes bishop of Durham, July 13, an. reg. 27. granted her his manour, &c. at Hovedon, for 80 years. Now she grants the premisses to John Gate, of Houlden, esq, Test. May 20.

An. 1587. The queen recites, that R. Barnes bishop of Durham, Sep. 29, an. reg. 28, demised to her the manour and advowson of Crayke for 80 years. Now she grants the same to Sir Fra. Walsingham. Test. Mar. 22. an. reg. 30.

In Gardiner's account of Newcastle, he mentions bishop Barnes's lease of Gateside collieries to queen Eliz. for 99 years, which she assigned to the corporation of Newcastle, to whom it yields an immense profit; as would this bishopric have been worth perhaps five times as much as it is, but for the alienations: However, it may still be accounted one of the richest in England.——Gardiner, cap. 8. p. 12.——Willis's Cath. vol. i. p. 229.

Being a little settled, he fell to plundering his See, alienating all he could from it, granting to the queen Eliz. several manours; among which, as Gardiner tells us in his account of Newcastle, was Gateside, which he leased to the queen Ap. 28, 1582, with all the manours, cole-pits, and coal-mines in Gateside and Whickham, with the commons, wastes, parks, &c. at the rent of 90l. per. ann. These the queen gave to the earl of Leicester, who sold his right to Sutton founder of the charter-house, and he conveyed his interest to the mayor and burgesses of Newcastle for 12,000l.——This author farther informs us, that Dr Cradock archdeacon of Northumberland attested, that this lease was worth 50.000l. per ann.——Ibid. p. 247.

On Monday, Aug. 12, 1585, the earl of Huntington, the queen's lord president, caused a general muster to be made upon Spenny-Moor, in the county of Durham, of all men between 16 and 60 within the bishopric of Durham, when there appeared 40,000 ready to serve her majesty whenever called forth.——V in primo registro eccl'iæ S'ti Oswaldi Dunelm.

* Strype's Ann. vol. ii. p. 482.

"these stubborn churlish people of the county of Durham, and "their neighbours of Richmondshire, who shew but, as the proverb "is, *Jack of Nape's charity* in their hearts. The customes, the "lives of this people, as their country is, is truly savage; but "truly such hast to amend (tho' it be for some) as is zelous; and "yet none extremity shewed to any, otherwise than by threat-"ning, which hath wrought *pannicum timorem* in their minds, "and in the clergy a good readiness to apply their travells to "their callings: Onely that *Augie stabulum* the church at Dur-"ham, exceeds; whose stink is grievous in the nose of God and "men, and which to purge far passeth Hercules labours." From the pen of this prelate fell the greatest condemnation any writer, in any age, ever cast upon the people of this province: It differs so widely from the accounts given by other authors, that much discredit goes along with it. It proceeded from resentment, or perhaps some sinister purpose of irritating government against the palatinate, on which some private interest depended, or to aggrandize his own character in the work of reformation of manners, in which he declared he was labouring, he thought it necessary to depreciate the people. The bishop proceeds in his account to the following effect: "I have an external shew of "some dutiful obedience, but their dealings underhand are no-"thing less; so that I fear I shall be enforced to weary his honour "and the lords with the reforming their disorders, which are "more than as yet I am well able to undergo. Nevertheless I "promise to do all my endeavours first, even to the uttermost." And how it stood with him in the people's affections for this service, and the malice and slander he underwent from many, take his own words to the same lord: "The Lord of his endless and "infinite mercies bless her highness; and as he hath stirred up "her heart to tender my faithful travel in advancing virtue and "religion, and in weeding out vices, and banishing popery, "superstition, and the remainants of idolatry; whereby the ma-"licious of this country are mervailously exasperated against me: "And whereas at home they dare neither by words nor deeds "deal undutifully against me, yet abroad they practice to deface "me by all slanders, false reports, and shameless lies, though the "same were never so inartificial or incredible, according to the "northern guise, which is never to be ashamed, however impu-"dently they bely and deface him whom they hate, yea, though "it be before the honourablest. A vile kind of people: *Pessimum "hoc hominum genus, ex alicua invidia laudem sibi quærens.*"

Bishop Barnes was in enmity with archbishop Grindal, and spoke disrespectfully of him, which occasioned the lord-treasurer Burleigh to write to him soon after the archbishop's disgrace. Barnes, in his answer, maintains an equivocal stile, and, courtier like, throws out imputations on the archbishop for contempt of the regal power, but doth not charge him with want of sincerity towards the church. Strype, who gives an account of this correspondence, says, "That bishop Barnes had no good-will "towards the archbishop, who not long before, had dealt against "him for some defects, either in discharge of his episcopal func- "tion, or for his bribe-taking officers." This leads us to observe, that he countenanced the most rapacious acts in the ecclesiastical court of his diocese, where John Barnes his brother presided as chancellor, and was the tyrant of the country; considering his power only as the means of gratifying his vicious inclinations, among which, as avarice bore a ruling part, oppression was a natural effect. It appears probable that the bishop decried the people to prejudice the minister's ear, and shut it against their complaints; that the customs and lives of the palatinates were depicted savage, to cover their cries; and that the ecclesiastical court was the Augean stable, which no labour could cleanse of its iniquity. Between this infamous chancellor and the truly apostolic Bernard Gilpin there was an opposition for many years; the latter endeavouring to counteract the former, and to be the redresser of those injuries of which he was the author: Those matters perhaps irritated the mind of our prelate against that good divine; some warm animadversions past between them; and the great lines of this prelate's character appear in the following circumstances, as related in the British Biography, vol. iii. p. 117.—"Gilpin received a message one day from the bishop of "Durham, appointing him to preach a visitation sermon on "Sunday following: It happened he was then preparing for his "journey into Readsdale and Tynedale; he acquainted the "bishop therefore with the necessity of keeping that appointment, "begging his lordship would at that time excuse him. His ser- "vant informed him that the bishop had received his message, "but returned no answer: Concluding him therefore satis- "fied, he set out on his journey; but was greatly surprised, "on his return home, to find himself suspended; some persons, "through enmity to him, having put the bishop on this hasty "step. A few days after, he received an order to meet the bishop "at Chester: Here many of the clergy were assembled, and "Mr Gilpin was ordered by the bishop to preach that day be- "fore them. He made many excuses, and alledged that he had

" come wholly unprepared. The bishop would not, however, " admit of any of his apologies, but required him, upon his ca- " nonical obedience, to go immediately into the pulpit. After a " little delay, therefore, he went up; and though he observed " several taking notes of what he said, he proceeded without the " least hesitation. The ecclesiastical court at Durham was at " that time very scandalously governed: The bishop was a weak " man, irresolute, and wholly in the hands of others: Every " thing was managed by his relation chancellor Barnes, whose " venality, and the irregularities occasioned by it were most no- " torious. This induced Mr Gilpin to lay hold of the present " opportunity to open the bishop's eyes; private information had " often been given to the prelate, but without success. Mr Gilpin " was now resolved, therefore, to venture upon a public applica- " tion to him: Accordingly before he concluded his sermon, he " turned towards the bishop, to whom he thus addrest himself: ' My discourse now, reverend father, must be directed to you. God ' hath exalted you to be the bishop of this diocese, and requireth ' an account of your government thereof. A reformation of all ' those matters which are amiss in this church is expected at your ' hands. And now, lest perhaps while it is apparent that so many ' enormities are committed every-where, your lordship should ' make answer, that you had no notice of them given you, and that ' these things never came to your knowledge' " (for it seems this " was the bishop's common apology to all complaints,)" ' behold, ' I bring these things to your knowledge this day. Say not then ' that these crimes have been committed by the fault of others, ' without your knowledge; for whatever either yourself shall do ' in person, or suffer through your connivance to be done by ' others, is wholly your own. *Therefore in the presence of God,* ' *his angels, and men, I pronounce you to be the author of all these* ' *evils; yea, and in that strict day of the general account, I will be* ' *witness to testify against you, that all these things have come to* ' *your knowledge by my means; and all these men shall bear wit-* ' *ness thereof, who have heard me speak unto you this day.*' " This " freedom alarmed every one; the bishop, they said, had now " got that advantage over him that had been long sought for: " His friends expostulated with him on what he had done; but " Mr Gilpin assured them that if his discourse should do the service " he intended by it, he was regardless what the consequence might " be to himself. He afterwards went to the bishop to pay his " compliments before he went home. ' Sir, " says the bishop,

"I propose to wait upon you home myself.' This he accordingly "did; and as soon Mr Gilpin had carried him into a parlour, "the bishop turned suddenly round, and seizing him eagerly by "the hand, 'Father Gilpin, says he, I acknowledge you are "fitter to be bishop of Durham than I am to be parson of "this church of yours.—I ask forgiveness for past injuries!— "forgive me father! I know you have enemies; but, while I live "bishop of Durham, be secure, none of them shall cause you "any further trouble."

Fuller speaking of the bishop, says,* "That he was one com- "mendable of himself, but much suffering for the corruption and "viciousness of John Barnes, his brother and chancellor."

He visited his cathedral church in the year 1580, repaired the palace at Stockton, and laid out a considerable sum at Auckland and Durham. In the twenty-first year of Elizabeth, he got exemplified many ancient grants relative to the See, from the reign of Henry V. to the eight year of her majesty; and in the twenty-third of that reign he had a suit with his copyholders in Allertonshire, in the court of requests, for settling their fines, which his officers had aggravated beyond the ancient customary rule.

Dean Matthews who had an eye to the succession, or otherwise was desirous of saving the bishopric from depredations which were then devised at court, in a letter to Francis Mills, then attending on secretary Walsingham, represents its deplorable state in the following expressions:† "The bishopric greatly impaired; "the best things of it demised at length, and no provision at all "of corn by rent or otherwise. The rate very high in the queen's "books, 1700*£*. a-year going out *communibus annis*. The diocese, "namely, Northumberland, specially about the borders, most "wretched and miserable, enough to burst the heart of a well- "meaning pastor; so small assistance for the public service of "religion. And the state both ecclesiastical and civil, no where "less he thought in all this realm, or the next. The place ex- "ceeding chargeable in peace, and in war double dangerous. "And yet, if God would send it, it should be welcome; if other- "wise, he was but where he was before, and in better place than "happily he deserved, as he humbly expressed himself."

After presiding in this See for eleven years and upwards, the bishop departed this life on the 24th day of August 1587, in the fifty-fifth year of his age, and was interred in the choir of the cathedral. His funeral sermon was preached by dean Matthews,

* Lib. ix. p. 191. † Strype's Ann. vol. ii. p. 463.

on the 7th of September, from Psal. ciii. ver. 15 and 16. The epitaph given in the notes was placed on his tomb.*

After the death of bishop Barnes, the See continued vacant for near two years, during which time the great offices were supplied by government. Tho. Calverley, esq; chancellor during the late prelate's time, was appointed guardian and keeper of the great seal, 22d of September 1587. Sir William Hylton, high-sheriff, had his appointment on the 4th of October; and Lynley was continued constable of the castle. During the vacancy, the earl of Leicester proposed to the queen to take twelve hundred pounds per annum of the manors, lands, and tenements of this bishopric, and in lieu thereof to settle parsonages impropriate,

* Reverendo in Christo patri ac domino Richardo Barnes,
Dunelmi episcopo, præsuli prædocto, liberali et munifico,
P. S præcharissimo patri P. P. P. obiit 24 Augusti,
A. D. 1587, ætatis suæ 55. Mors mihi lucrum.
Astra tenent animam, corpusque hoc marmore clusum;
Fama polos penetrat; nomen nati atque nepotes
Conservant; vivit semper post funera virtus.
See Harleian Catalogue, N° 6121, Art. 26.

Willis in his Cathedrals says, vol. i. p. 248, "Underneath was fastened his arms, "which he purchased at the herald's, office, on his being made a bishop, and these "words in two places, *Officium pietatis et memoria*: *Mors mihi lucrum.*"

Wood says he was a favourer of puritanism.

This bishop was of the ancient family of the barons of Bernes of Lancashire. His coat of arms and of his family were confirmed to him by Robert Glover, Somerset. His patent ran as followeth:—"Reverendus in Christo pater et venerabilis vir "Richardus Barnes, S. T. P. sive D. in comitat. Lancastr. ex honesta familia quæ "a dominis baronibus de BERNES originem trascit, oriundus. Oxonii apud musas "in colleg. Ænestiacensi (Æneanasensi) educatus. Cui per aliquot annos piæ et "provide præfuit. Hinc Eboracum evocatus, almæq. illius ecclesiæ metropolitanæ "cancellarius et schelarca (scholarcha) creatus, sacram theologiam inibi ad aliquos "annos, publice prælegit et professus est. Deinde episcopus factus (Carliolensis) "novissime Dunelmium translatus. Ubi jam (Apr. an 1580) ad Dei gloriam epis-"copus illius ecclesiæ habenas ac gubernacula moderatur"

The ancient coat of the family of Barnes was party per pale, or and vert, on a fesse azure three estoilles, or.§ But the bishop bore quarterly, namely, that paternal coat, and the second quarter was granted to him when bishop of Carlisle, 23 Ap. 13 Eliz. which was azure, a bend arg. charged with a bear passant, or, ready to eat a child naked, or, between two estoilles of the same. The third as the second. The fourth as the first. He had brothers, Oliver, then Edmund, Edwin, James, Edward, and John; all married: And our Richard, who was the youngest son, married Fredesmond Gyfford, daughter of Ralph Gyfford, of Claydon, in the county of Bucks; by whom he had Emanuel, Walter, Elizabeth (wife to Robert Tailbois, son of Ralph,) John, Barnabas, Mary, Timothy, Margaret, Anna.——Strype's Annals, vol. ii. p. 484. Gray's Notes.——Fuller's Worth. Lancash. &c.

1577, 19 Q. Eliz. de licentia eligendi pro Rich. Barnes, e'po Dunelm.——Rym. Fœdera, vol xv. p. 772.

——————— de regio assensu pro R. Barnes, e'po Dun.——Ibid. 775.

——————— de restitutione temporalium Dunelm.——Ibid. 778.

1578, 20 Q. Eliz. commissio pro causis ecclesiasticis in episcopatu Dunolm.——Ibid. 785.

§ Guillim says, fess sable, estoilles argent.

tithes and tenths of the like yearly value.* It was not till the 9th of June 1589, that

MATTHEW HUTTON, D. D.

then dean of York, (which office he had held for twenty-one years) was elected to the bishopric of Durham. He was confirmed on the 26th of July, consecrated on the 27th, and had the temporalities restored on the 10th of September following.

Le Neve says, he was born at Priest-Hutton in Lancashire, in the year 1529, and was sent to Cambridge in the year 1546, at the age of seventeen.† In the History of the Church of York, it is asserted he was born of poor parents, and that it was doubted whether he was not a foundling child, at a place called Warton in Lancashire, where he founded an hospital or free-school, and by the appointments of his will endowed it with the yearly revenue of 35£. This work mentions that in the village is still a traditional account of the manner of the prelate's education, but being very extraordinary, is omitted for want of probability.‡ Our prelate took the degree of bachelor of arts in 1551, and master of arts in 1555: His college is not named upon the register, but he was fellow of Trinity.§ He proceeded bachelor of divinity in the year 1562, having the year before been admitted lady Margaret's professor of divinity in that university. On the 5th of October, 1562, he was presented to the prebend of Broomsbury, in the church of St Paul, London, on the deprivation of Thomas Byam, which he held until the year 1589. In the same year he became master of Pembroke-hall, in Cambridge. Being archbishop Grindal's chaplain, it is probable, on his resignation, he recommended Hutton to this college.‖ In that year, being made regius professor, he resigned

* Strype Ann. vol. iii. p. 469. † Fuller's Worth. Lancashire.

‡ The outlines of this tradition are, that he testified a very early and anxious desire for reading; and when employed in the meanest offices, would steal from his labour to gratify his avaricious mind with the rudiments of grammar: This being accidentally observed by some one, who thereupon became his patron, he was put to school; and from such a low beginning, advanced to great eminence in the literary world.

§ They have no entries before the year 1560.———Le Neve 80.

‖ Pembroke Hall.

19. Matthæus Hutton, socius collegii S. Trinitatis s. theol. baccalaureus, custos advenit 1562, s. theol. do. 1565, post et professor publicus an. 1567, resignat. tum decanus Eboracensis. Episcopus Dunelmensis 1589, ac archipresulatus Eboracensis 1595. Commentati unculam emisit de electione et reprobatione. Moritur 1605. ΣΚΕΛΕΤΟΣ Cantabrigensis.

Pembroke Hall——Matt. Wren, bishop of Ely.

In 1563, 4 Sept. he became rector of Boxworth, in Cambridgeshire, which he resigned 28 Mar. 1576. He also left his prebend of Ely 25 Jun. 1567.

In 1567, he left the col. for the deanry of York. He gave 100 marks towards the

the Margaret professorship, and was succeeded in it by John Whitgyft, who also succeeded him in the regius proffessorship in the year 1567, and likewise, in the same year, in the mastership of Pembroke-hall. In 1563 he joined with the heads of colleges of that university, in an address to Sir William Cecil, secretary of state and chancellor of Cambridge, to reform the rules for chusing university officers. On the 5th of August 1564, when the queen visited Cambridge, our prelate kept the divinity act before her majesty, being then regius professor.* He acquitted himself excellently in that duty; his friends were charmed with his elocution and oratory; and the queen was pleased to express her royal approbation, in a manner that presaged the preferment he soon after received. In the year 1565† he was one of the heads of houses in Cambridge, who signed a petitioning letter to the chancellor of the university, to stop the queen's proclamation for enjoining the use of the old habits, which was taken ill. He had said something in two lectures relative to it, to repress the fond dealing of rash young men, in framing such grounds and arguments against apparel as they were not able to prove; which gave rise to a report, that he had created disturbances in the university about it.‡ In the same year he was appointed one of the preachers before the queen, by archbishop Parker§. On the 8th of April 1567 he was installed dean of York, and thereupon resigned his master and professorship.‖ Whilst he was dean of York, he opposed archbishop Sandys with great warmth, and would not consent to his visiting that cathe-

buildings in Trin. Col. and founded an hospital at Wareton, in the county of Lancaster. He was a learned and pious prelate.

Le Neve 81.

The following entry likewise is to be met with in the Register of bishop Cox of Ely, fol. 142, an 1563, 4th Sept.—"Matthæus Hutton, S. T. bac. institutus fuit in ecclesia paroch. de Boxworth, ad presentationem Joh'is Hutton, Thomam Yale, LL. D. Joh'em Pory, S. T. P. et Edwardum Leeds A. M. Rev. Matthæi archie'pi Cantaur. Commissarios ad visitand totam dioc. Elien. &c.——Le Neve, 82.

* A very learned gentleman (the rev. Tho. Baker, S. T. P.) of that university had an account of the queen's reception, and of the acts performed every day, drawn up by Nicholas Robinson, afterwards bishop of Bangor, who thus extols the professor's performance: "Unum illud audeo affirmare in Hottono nostro, Buceri judici-"um, Martyris memoriam, vim Calvini, Musculi methodum, ex hac concertatione "liquido apparuisse. Nemo potuit facere, ut iste, nisi dominus fuisset cum eo;" with much more to this purpose.—Haddon giving an account of his performance in one of his epistles to Sir Tho. Smith, p. 301, has these words: "Unus erat Huttonus "theologorum axiomatum defensor, qui mihi vehementer satisfecit, usq. eo, vix ut "aliquid audiverim melius." And Sir Thomas in his answer, p. 305, "Gratulatur "illi academiæ, quod talem Huttonem habet, &c."——Le Neve, 83, 84.

† 26th Nov. Strype's Parker, Ap. 69. ‡ Le Neve, p. 84.—Stryp. Parker, p. 194.
§ Ibid. Ap. p. 75. ‖ Fasti, p. 515, 411.

dral; he is also charged with endeavouring to defame the archbishop, in the examination of witnesses, against Sir Robert Stapleton's plot.* Articles were exhibited against him, to which he made submission.† In the enquiry concerning Whittingham dean of Durham (on which he was one in commission) Strype says,‡ "He inclined greatly in his favour, and said among other "things, that he was in better sort ordained than our ministers "in England; and in his heat added, that his ministry was much "better than his (the archbishop's) was." He was accused of usury, and boldly defended it.§

In the year 1568, Hutton resigned the sixth prebend in the collegiate church of Westminister; the time of his being admitted to that dignity appears not; but he was succeeded therein by one Walter Jones, M. A.‖ Le Neve says, "in the same year, "when the See of York lay destitute of a pastor, by the death, "of archbishop Young, the dean, sensible of the great need that "northern diocese and province stood of a fit person for that "weighty and difficult charge, sent a letter to Cecil the secretary "expressive of the same, suggesting withal what qualifications "he that was to be sent among them ought to have, viz. that he "should be a teacher, because the country was ignorant; a virtuous and godly man, because the country was given to sift "such a man's life; a stout and courageous man in God's cause, "because the country otherwise would abuse him; and yet a "sober and discreet man, lest too much rigourousness should "harden the hearts of some, that by fair means might be mollified: And such a bishop likewise as was both learned himself, "and also loved learning, that that rude and blind country might "be furnished with learned preachers. And all these excellent "qualities he reckoned centered in Grindal; for, as he added, "such a man was the bishop of London known to be. I the "rather mention this in this place, because I can't help thinking "that those persons, who afterwards recommended Dr Hutton "to the same high degree in the church, were not negligent to "examine whether such grand qualifications as he attributed to "Grindal, might not be found as equally centered in himself. "Bishop Grindal being translated from London to York, secretary "Cecil wrote to archbishop Parker, to know whom he thought "proper for the See of London; among others enquiring, what "he thought of Hutton dean of York? To which Parker "answered, that he took him for an honest, quiet, and learned

* Strype's An. vol. iii. p. 321, 322. † Ibid. p. 326.
‡ Vol. ii. p. 521; vol. iii. p. 322. § Ibid. vol. iii. p. 326.
‖ Le Neve, p. 85.

"man, but he thought him not meet for that place. Whilst he "he was dean of York, hearing that one Mr Hammond of "Yorkshire designed to apply to the archbishop of Canterbury "to dispense with his son, a young boy, being made a preben- "dary of York, he wrote to the archbishop against it, and to "desire it might be bestowed on a preacher." In the year 1586 he was one of the presidents of the convocation of the province of York, who granted a subsidy and benevolence to the queen. In 1589 he was made bishop of Durham, his consecration being performed by the archbishop of York, assisted by John bishop of Carlisle, and William bishop of Chester.

"In the same year, our prelate being at court, the lord trea- "surer had his company in his private chamber at dinner, where "none were present but the lord treasurer Cecil, secretary Wal- "singham, and the bishop of Durham. There designedly these "two statesmen, for their better satisfaction, desired to hear what "that learned and grave man would say on the greatly contested "arguments about episcopacy."* There were three subjects then discussed; the judicials of Moses, the authority of the prince in causes ecclesiastical, and the antiquity and lawfulness of a bishop. He related the circumstances of this conference in a letter to archbishop Whitgift, dated the 10th of October 1589, from York, in his "packing up," as he said, "to Duresme."

The archbishop of York dying in the year 1594, bishop Hutton was translated to the metropolitan See. Great interest was made for bishop Howland of Peterborough, by the earl of Huntingdon, lord president of the north†. In the year 1596 the earl died, and the archbishop received that dignity, with all manner of privileges appertaining thereto, except only the title of lord president.‡ He wrote a mournful letter to Toby Matthew, his successor in the bishopric of Durham, on the death of archbishop Whitgift.‖ He was also author of a letter, dated the 18th of December 1604, to the lord treasurer Cranborne, about the puritans and nonconformists.

* Le Neve, p. 87.—Strype's Whitgift.

† In the year 1595, he gave his judgment to archbishop Whitgift, in a letter, of certain articles of doctrine concluded upon at Lambeth 20th Nov. 1595, and communicated to him by the said archbishop. His judgment upon them may be seen in Strype's Whitgift, p. 461; and his letter in Fuller's Church Hist. lib. ix. p. 230, dated from Bishopthorp.——Le Neve, p. 89.

‡ What concern he had in the famous conference at Hampton Court, an. 1603, though he was at that time in his own diocese, being much too long for our intended brevity, may be seen at length in Mr Strype's Whitgift, p. 570, &c. and Appendix, p. 231.——Le Neve, p. 90.

‖ Le Neve, p. 90,—Strype, &c.

This prelate was a man of great learning, and one of the ablest preachers of his time.* It is remarkable that he had three wives before he got a bishopric; was married first to Kath. Fulmesby, niece to Goodrick bishop of Ely, in the year 1564; secondly, to Beatrice, daughter of Sir Tho. Fincham; and, thirdly, to Frances, widow of Martin, the son of Sir Martin Bowes, in 1583. By the second wife only he had issue.† He died at Bishopthorpe

* One of the last times that ever he preached in his cathedral was on this occasion: The catholics in Yorkshire were commanded by the queen's authority to be present at three sermons; and at the two first behaved themselves so obstreperously, that some of them were forced to be gagged before they would be quiet. The archbishop preached the last sermon most gravely and solemnly, taking for his text, John viii. 47, *He that is of God, heareth God's word; ye therefore hear them not, because ye are not of God.*

Here I must clear the memory of this worthy prelate from a mistake committed, surely not wilfully, but through false intelligence, by a pen otherwise more ingenious,

† A pedigree of the Hutton family down to the year 1712, may be seen in Thoresby's Ducatus Leodiensis p. 173; part whereof is extracted below.

Matthew Hutton, of Priest-Hutton, in the county of Lancaster,

- Catherine Fulmesby, 1
- ∞ Beatrice, d. of Sir Tho. Fincham. 2
- ∞ Matt. Hutton, archbishop of York, ob. 1605.
- ∞ Frances, wid. of Mart. Bowes, ob. 10th Aug. 1620.
- Robert, preb. of Durham and rector of Houghton-le-Spring. †
- A third son had Sam. preb. of Uskelf, Luke & Marmaduke. ob s. p.

- Mark and Stephen died young.
- Sir Tim. Hutton, of Maske, h. sheriff 1605, & then knighted.
- ∞ Eliz. d. of Sir G. Bowes, kt marshall to q. Eliz
- Sir Tho. Hutton, of Popleton, ob. Jan. 1620.
- ∞ Ann, d. of Sir John Bennet.
- Thomasine—Sir. W. Gee
  - - - - - - - —Remington.
  - - - - - —Calverley.

- Matthew
- ∞ Barbara, d. of Conyers lord Darcy
- Timothy, merchant at Leeds, ob. 1676, s. p. Philip John Thomas, of Six Clerks office.
- Three daughters.

For this issue, see Thoresby's Ducatus Leodiensis, p. 173.

- John
- ∞ d. of Bryan Stapleton, of Myton, esq.
- ∞ Sir Philip Warwick, 2 husband, ob. 1682.

† He married the daughter of bishop Pilkington, and from him are descended the family at Houghton-le-Spring; which see in vol. ii.

on the 16th of January 1605, in the 80th year of his age, and lies interred in the south aile of the choir of York cathedral, where a monument was erected to his memory, with the epitaph* in the notes.

4 E 2

and professing respect to him and some familiarity with him. "This archbishop his "eldest son is a knight, lately sheriff of Yorkshire, and of good reputation. One "other son he had, Luke Hutton by name, so valiant that he feared not men nor "laws; and for a robbery done on St Luke's day, for name's sake he died as sad a "death, though I hope with a better mind, as the thief of whom St Luke writes. The "archbishop herein shewed that constancy and severity worthy of his place; for he "would not endeavour to save him, as the world thought he easily might."—Sir John Harrington in his Additions to bishop Godwin, p. 192.——The prelate had but three sons; Mark, who died young; Sir Timothy, knighted 1605, and sheriff of Yorkshire; Sir Thomas, knight, who lived and died respected in his country. This Luke Hutton was son to Dr Hutton, prebendary of Durham.—Fuller's Church Hist. lib. x. p. 39.

* *Epitaphium Matthæi Hutton celeberrimi, archiepiscopi Ebor.*

Memoriæ sacrum.

Cujus expressam corporis effigiem cernis, (lector,) si mentis quoq; imaginem videre cupis, Ambrosium vel etiam Augustinum cogita; alterius quippe ingenium, argutum, alterius limatum judicium hoc præsule vivente viguit. Qui in academia Cantabrigiensi olim sacræ theologiæ professor publicus, et literarum columen claruit; postea erat ad decanatum Eboracense hinc ad episcopatum Dunelmensem, illinc ad archi-præsulatum Eboracensem, (providentia divina) sereniff. reginæ Elizabethæ auspicijs, propter admirabilem eruditionis, integritatis, et prudentiæ laudem provectes, et decurso tandem ætatis suæ ann. LXXX. curriculo, corpus Adæ, animam Christi gremio commendabat, Ecqaid vis amplius, lector? Nosce teipsum. Obiit 16 die mensis Januarij anno Dom. MDCV.

The See vacant.

Tho. Calverley, esq; temp. chan. appointed keeper of the great seal 22d Sept. 1587. Rot. A. Hutton, N° 1.

Will. Hilton, kt. high-sh. ap 4th Oct. 1587.

Henry Lyndley, gent. constable of the castle.

Tho. Calverley, esq; senescal.

Matthew Hutton, S. T. P. dean of York.
Elected June 9, 1589.
Confirmed 26th July.
Consecrated 27th July.
Temporalities restored 10th Sept.
Translated to York 24th March, 1594.

Officers of the See during bishop Hutton's time.

High-sheriff,—Geo. Conyers, esq; oc. 25th Oct. 1592, and 8th Aug. 1593.

Escheator,—Rob. Tailboys, esq; oc. 8th Ap. 1594.

Temporal-chancellor,—Tho. Calverley, esq; resigned; dying aged 81, 1613, was buried in the chancel of Brancepeth church.

Constable of the castle,—Hen. Lyndley, gent.

Senescal,—Tho. Calverley, esq.

Attorney-general,—Rob. Tailboys, arm. John Richardson, deputy. Randal's MSS.

Gray's Notes.—Fuller's Worth. Lancash. p. 111.—English Worthies, 283.—Strype's An. vol. iii. p. 322. 326.—He came to Auckland in the 22d week after Trinity, 1589.—He bought 500l. p. ann. Land 3, Strype 325.—He had five or six ecclesiastical livings worth 1000l. per ann.—He did not preach above three times a year.

An account of the archbishop's arms and family, and of his numerous posterity down to the year 1712, may be seen in Thoresby's Antiquities of Leeds, fol. Lond. 1715, p. 172.

Immediately after bishop Hutton's translation to York, leave of election was obtained to fill the See of Durham, the *congè d'elire* being dated the 25th day of March, and

TOBIAS MATTHEW, S. T. P.

then dean of Durham, was nominated; he received the royal assent on the 7th day of April 1595, was consecrated on Palm-Sunday the 13th of that month, enthroned on the 22d,* and had restitution of the temporalities on the 29th.†

Bishop Matthew was the son of John Matthew, a merchant of Bristol,‡ and born in that part of the city which lies in Somertshire. He received the first rudiments of learning in the city of Wells; and at the age of thirteen became a student in the university of Oxford, in the beginning of the year 1559. In Christ-Church college he took the degree of bachelor of arts, on the 11th of February 1563; and on the 25th of June 1566, was made master of arts: About which time he took holy orders, and was greatly respected for his learning, eloquence, conversation, friendly disposition and the sharpness of his wit. On the 2d day of November 1569 he was unanimously elected public orator of the university, which office he filled to the honour of his electors, and with great applause. In the year 1570 he was made canon of the second stall in the cathedral of Christ-Church, and on the 28th of November following was admitted archdeacon of Bath. In 1571 he petitioned for his degree of bachelor of divinity, but was not admitted thereto for two years. In 1572 he was made

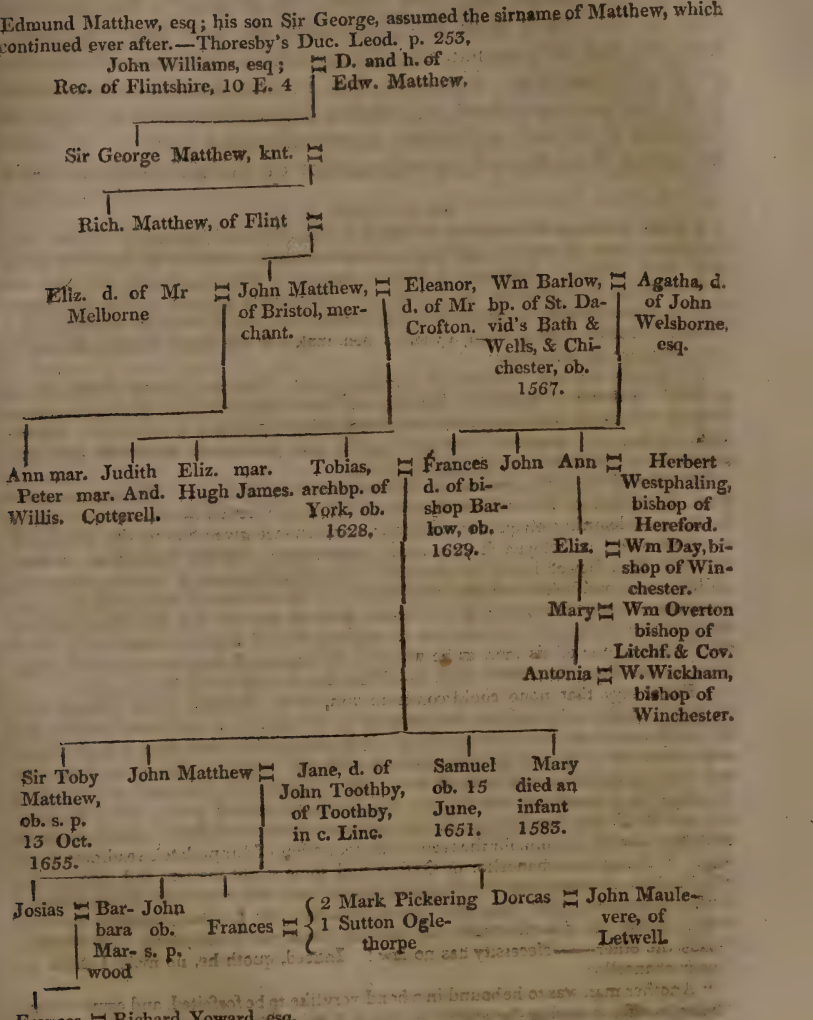
* Reg. p. 464.

† Rot. Matthew, l'ra A.——Notandu. est q'd a xxiiij° d. Martij a'o r. d'ne n're Eliz. regine nunc, &c. xxxvij° quod rev'dissimus in X pater Mat. H. tunc Dun. ep. translatus fuit ad archiep'alem et metropoliticam sede. Ebor. &c. &c. quo die rev'dus in X pater Tobias Matheue nup. Dun. eccl decan. Cui p. dece. annos sum'o cu. ejus honore tam eccl'ie com'odo salubriter præfuit, ex serenissime in X'to principis prius memorate regine in eccl'ia X'ti nunquam cèssante cura, et erga ip'u. reverendu. patrem de se bonisq, o'ib. bene meruit si'gulari favore et regali beneficentia, intercedente individuæ Trinitat. sacro. sancto numine et di'a P'videntia ad Dun e'patus dignitat. canonice et legitime ascitus et pastoralis officii cura oneratus, et ad sp'alia e'patus præd. cu. jurib. et pertinen. suis univ'sis gratiose et plenarie restitutus: Londino rediens ad honore. omnipotentis Dei, auspice sum'o o'iu. pastor Jesu X'ti Dunelm. resedit, nihil actum fuit, quia neq. prædicta d'na regina p. t'pe vacaconis, neq. præd. e'pus postea sigill. sua miserunt.——Randal's MSS.

Stevens Monast. vol. i. p. 495, saith, "He should have been made bishop of Salis-"bury, but would not take it on Sir Walter Raleigh's conditions."—Can this be true? For Tob. Matthew was made bishop of Durham two years before the bishopric of Salisbury became void by the death of John Coldwell.—Vide Strype's Ann. vol. iii. p. 464.

‡ He was descended of the ancient family of Williams, of Flint in North Wales; of which, John Williams, in Edward IV's reign, marrying the daughter and heir of

prebendary of Teynton-Regis with Yalmeton in the church of Salisbury, and in July following was elected president of St John's college in Oxford; at which time, being in high reputation as a preacher, he was appointed one of the queen's chaplains in ordi-


Edmund Matthew, esq; his son Sir George, assumed the sirname of Matthew, which continued ever after.—Thoresby's Duc. Leod. p. 253.
John Williams, esq; Rec. of Flintshire, 10 E. 4
D. and h. of Edw. Matthew.
Sir George Matthew, knt.
Rich. Matthew, of Flint
Eliz. d. of Mr Melborne
John Matthew, of Bristol, merchant.
Eleanor, d. of Mr Crofton.
Wm Barlow, bp. of St. David's Bath & Wells, & Chichester, ob. 1567.
Agatha, d. of John Welsborne, esq.
Ann mar. Peter Willis.
Judith mar. And. Cotterell.
Eliz. mar. Hugh James.
Tobias, archbp. of York, ob. 1628.
Frances d. of bishop Barlow, ob. 1629.
John
Ann
Herbert Westphaling, bishop of Hereford.
Eliz.
Wm Day, bishop of Winchester.
Mary
Wm Overton bishop of Litchf. & Cov.
Antonia
W. Wickham, bishop of Winchester.
Sir Toby Matthew, ob. s. p. 13 Oct. 1655.
John Matthew
Jane, d. of John Toothby, of Toothby, in c. Linc.
Samuel ob. 15 June, 1651.
Mary died an infant 1583.
Josias
Barbara Maxwood
John ob. s. p.
Frances
2 Mark Pickering
1 Sutton Oglethorpe
Dorcas
John Maulevere, of Letwell
Frances
Richard Yoward, esq.

N. B. There is a painting of bishop Matthew in the hall of Christ Church, Oxon: and another in the bishop's library at Durham.

nary. On the 10th of December 1573, he was admitted bachelor of divinity; and in the next year, on the 27th of May, proceeded doctor. On the 14th of June 1576, being archdeacon of Bath, he was commissioned by archbishop Grindal, with some others, to visit the church, city, and deanry of Bristol.* In the same year he was made dean of Christ-Church; and then obtained, from the pen of Camden, the distinguished character of *Theologus præstantissimus;* who says, that in him *doctrina cum pietate & ars cum natura certant;*† *virtutum & pietatis ornamentis erudita facundia & docendi assiduitate reverendissimum existere.* In 1579 he served the office of vice-chancellor of the university‡. At a

* Strype's Grind. p. 211.

† Edm. Campian the jesuit, in his book of Ten Reasons, labouring to prove that the fathers were all papists, and to give the uttermost he could to his assertion, saith, that Toby Matthew confessed to him so much. "*Parentavimus,*¶ saith he, &c. "*We did once in a familiar sort sound Toby Matthew's opinion, he that now domineers in your pulpits whom for his good learning and seeds of virtue we esteemed,* &c." Which character coming from a jesuit's pen, makes it the truer, because he was in some manner his adversary.

Let us now see him described by another person (Hist. and Antiq. Oxon. lib. ii. p. 255.) "Infinitæ propemodum lectionis vir, librum pene nullum, quem vel scriptoris fama vel ipsum operis argumentum commendaret, intactum prætermisit; memoriam quoque tam tenacem habuit, ut legenti sese paucissima obtulerint quæ non, siquando usus flagitaret, confestim proferret."

Sir John Harrington gives us the following account of him: "During his abode there, being dean of Christ-Church, it was hard to say whether he was more respected for his great learning, eloquence, authority, countenance given him by the queen and the great ones; or beloved for his sweet conversation, friendly disposition, bounty, that even then shewed itself, and above all, a chearful sharpness of wit, that so sauced all his words and behaviour, that well was he in the university, who could be in the company of Toby Matthew; and his name grew so popular and plausible, that they thought it a derogation to their love to add any title of doctor or dean to it; but if they spake of one of his men, as he was ever well attended, they would say Mr Matthew, or Mr Toby Matthew's men.——View, &c. p. 196.—Le Neve, p. 97.

‡ Fuller says, that none could condemn him for his chearful spirit, though often he would condemn himself for the levity of it; yet he was so habituated therein, that he could as well not be as not be merry. Pun and quibble were then in high vogue, and a man was to expect no preferment in that age, either in church or state, who was not a proficient in that kind of wit. He is reported to have said, at his leaving Durham for a benefice of less income, that it was *for lack of grace.* Sir J. Harrington and Mr Fuller have thought fit to record two or three remarkable stories, which we shall beg leave to subjoin, for the reader's better notion of our prelate's readiness in this way. "Being vice-chancellor of Oxford, and some slight matters and men coming "before him, one man was very importunate to have the court stay for his counsel. "Who is your counsel? says the vice-chancellor. Mr *Leasteed,* answers the man. "Alas, replies the vice-chancellor, no man can stand you in *less stead.* No remedy! "adds the other——Necessity has no law! Indeed, quoth he, no more I think has "your chancellor.

"Another man was to be bound in a bond, verylike to be forfeited, and came in great "haste to offer it, saying, he would be bound if he might be *taken in:* Yes, says the "judge, I think *you will be taken in;* what is your name? *Cox,* says the party, and "so pressed, as the manner is, to come into court. Make him room there, said the "chancellor; let that *Cox come* in."—— Le Neve, p. 98.

¶ Puto *Perstentavimus.*

convocation held in 1580, archbishop Grindal being then under the queen's displeasure, it was agreed, that our prelate, then dean of Christ-Church, should, in the name of that assembly, draw up an humble address to her majesty, for the archbishop's restitution;* but it was not received favourably. On the 22d day of June 1583, he was collated to the precentorship of Salisbury, and the third of September following was made dean of Durham, being then 37 years of age, whereupon he resigned the precentorship. "From this time to the 23d Sunday after Trinity, in "the year 1622, he kept an account of all the sermons he "preached, the place where, the time when, the text what, and "if any at court, or before any of the prime nobility: By which "it appears, that he preached, while dean of Durham 721, while "bishop of Durham 550, and while archbishop of York to the "time abovementioned 721, in all 1992 sermons, and amongst "them several extempore. This prelate certainly thought preaching to be the most indispensable part of his duty; for in the "diary before quoted, wherein, at the end of each year, he sets "down how many sermons he had preached, at the end of the "year 1619, *Sum. ser.* 32, *eheu! An.* 1620, *sum. ser.* 35, *eheu! "An.* 1621, *sore afflicted with the rheume and coughe diverse "months together, so that I never could preach until Easter daye. "The Lord forgive me.*"† On the 28th of May 1590 he was inducted to the rectory of Bishopwearmouth, in this county, and in the year 1595 was made bishop of Durham. He was consecrated by archbishop Hutton, by commission; but Le Neve says, he cannot find either in his diary or elsewhere, the time when, place where, or names of the bishops who assisted at the solemnity. On his consecration he resigned Bishopwearmouth. Upon his nomination to this bishopric, orders were given by the lord treasurer to secure payment to the crown of 880.£ per annum out of Allerton, and 140£. out of Norham.‡

During the time bishop Hutton held the See of Durham, he suffered the queen to make two great innovations on the privileges of the bishopric; the one was, her nominating to the 12th prebendary in the cathedral church; and the other, her granting a charter of incorporation to Hartlepool: But of these matters more hereafter. King James made a like attempt, in this prelate's time to incharter the city of Durham; but the bishop insti-

* See the address in Le Neve, p. 100.

† Le Neve, p. 105, 111.—It is a little surprising that we find none of the archbishop's sermons in print except his *Concio Apologetica contra Campianum in Deuteron.* xxxii.

‡ Peck's Desider. Curiosa, lib. 5, 6.

tuted a suit in the exchequer, and by the decree made therein, the king's charter was set aside;* and the prelate granted one, by which the city was put under the government of a mayor and twelve alderman. It was a singular mark of his benevolence to give so ample a charter, after having a tedious and expensive suit with the burgesses, who maintained the royal charter against his franchise.†

In the 43d year of Elizabeth, one Anthony Arrowsmith, who held lands at Eggleston, stood mute, and his estates became forfeited to the bishop, he being pressed to death.‡ The bishop maintained a suit in the exchequer to recover these lands, and obtained a decree, wherein the liberties and franchises of this palatinate are rehearsed and insisted upon, and make the grounds of the decree.‖

In the year 1595, the bishop caused the §customs of Weredale to be ascertained by a jury impannelled for that purpose. On

* Dyer, p. 289.

† Brown Willis, in his Notitia Parliamentaria, vol. ii. p. 523, says, "The city of Durham was governed by an alderman and twelve burgesses till the time of bishop Matthew, who changed the name of alderman into that of mayor, and burgesses into that of alderman." ——Le Neve, p. 110.

1595, 37 Q. Eliz. De licentia eligendi pro episcopo Dun.——Rym. Fœdera, vol. xvi. p. 271.

——————— Regius assensus pro Tobias Matthew, ep. Dun.—Ibid. p. 272

——————— Restitutio temporalium pro T. Matthew, ep. Dun.——Ibid. p. 273.

‡ Stat. 3 Ed. I. 1272, c. 12. Lord chief justice Hale says, that the punishment of pressing to death did not arise from this statute, but was anciently a punishment by the common law. The words of the statute are, "That notorious felons *qui ne soy violent mettre en enquestes des felonies, soyent mis en lay prisone forte et dure*," As this law therefore is so highly penal, I cannot think, that judges, who have tied the thumbs of criminals together in order to oblige them to plead, can be justified under these words of the statute, though their intentions have been merciful;* especially, as whatever might have been the common law, this statute hath superseded it. *Prisone forte & dure* can mean nothing further than, if the criminal will not submit to a trial, he shall be remanded to a most close and severe confinement;—how is it possible then to include pressing to death, with all its apparatus of torture, under these words, especially as the felon when convicted, had his benefit of Clergy?—— See Barrington's Observations on Ancient Statutes —— Rymer's Fœd. vol. iii. part xi. p. 137, which proves beyond doubt, that what is contended for is the true meaning of the words of the statute, and that it was nothing more than *confinement without nourishment*, which was justified under the words *prisone dure*.

‖ 2 Bulstr. p. 226. 3. Bulstr. p. 157. 1. Rolls, p. 399.

§ These will be noticed in that district.

* It appears by the sessions papers, that this was practised at the Old Bailey in the reign of q. Ann; and perhaps there are later instances, as it still continues to be part of the law of this country. It would be much more reasonable to adopt the practice of the Scotch law. If a criminal stands mute, and will not plead, the trial proceeds as usual, and it is left to the criminal to manage his own defence as he shall think proper.——Innes's Sum. View of the Scotch Laws.

the 4th of June, 1602, he granted a charter of incorporation to Stockton; and also another to sundry trades in Gateshead.

Our prelate was much engaged in political matters: Strype gives a letter of his dated the 9th of April, 1594, whilst dean of Durham, to lord Burleigh, touching Bothwell's protection; in which he says, "I pray God the king's protestations be not too "well believed, who is a deeper dissembler, by all mens judgment "that know him best, than is thought possible for his years." Such was the character he gave of the prince who was shortly to come to the throne of England. In 1596, commissioners were appointed by the queen, to treat with Scotland, and redress grievances on the borders; the English commissioners were, the bishop of Durham, Sir Wm Bowes, Francis Slingsby, esq; and Clement Colmer, LL. D.* The place of convention was Carlisle, and many months were spent on that duty; the good effect of their assiduous application to the work of peace was much retarded, and almost rendered abortive, by the outrages repeatedly committed on the eastern and middle marches. "The first article "of this treaty does honour to the character of the prelates of "the church, one of whom stood first in the list of commissioners "from each nation. In this article it was resolved, that the "sovereigns of each king should be addressed, to order the set-"tlement of ministers at every border church, for the sake of "reforming and civilizing the inhabitants, by their salutary in-"structions and discipline; and for this purpose the decayed "churches should be repaired: and for the safety of the persons "of their pastors, and due respect to be paid them in the dis-"charge of their offices, the principal inhabitants of each parish

* Ex Autogtaph. penes de. et cap. Dun.

"To our verye lovinge freend, Mr D. Colmer.

"After our hartie commendations. Her majestie havinge appointed certaine commissioners for her to meete on the borders with others of like sorte that come from the Scottishe kinge to conferr together for redresse of disorders in those parts between England and Scotland, is pleased to conceive so good an opynion of you, as to name you for one of them to accompanye our verie good lord the b'pp of Duresme chief in the commission; We do therefore require you to put yourself in a readynes for the sayde service, that as soone as you shall have knowledge from ye b'pp of the commission receaved by him, and of the time and place of your meetynge, you may foorthwith addresse yourself to take your journey with him; and then you shall have father instructions how to proceede: so we bidd you hartelye farewell. From the court at Greenwich the 27 of Sep. 1596.

Your lovinge freends,

Tho. Egerton, C. S. W. Burghley. Essex. C. Howard.
H. Cobham, R. T. Buckehurst.
W. Knowles. Ro. Cecyll. Fortescue."

"should give security to their prince."* Sir Robert Carey, about this time, had the appointment of keeper of Norham castle, for which 140£. was paid out of the revenues of the bishopric of Durham.

In 1603 expired the illustrious queen Elizabeth. The characters of late sovereigns require no comment here. Whilst our prelates possessed high offices in the state, and held the ear of the reigning prince, it appeared necessary to draw the great outlines of their lives; as it was observed before, by inference, the private characters of the prelates were deduced.

James VI. of Scotland was proclaimed successor to the throne of England: On his journey southward, the bishop of Durham met him at Berwick,† and preached a congratulatory sermon before him.‡ The bishop was at the famous conference at Hampton-court, in January, 1603; of which he gave an account at large to archbishop Hutton.‖ Our bishop demised to king James the castle, &c. of Norham, Norhamshire, and Elandshire, which was confirmed by the dean and chapter on the 2d of April, 1604; and he got some abatement in the payment made from the See to Berwick, and restitution of Durham-house in London.§

* Ridpath's Bord. Hist. p. 690.

† He gave his warrant to the bishop of Durham to liberate all prisoners,—a strange kind of pleasure to let loose all the villains on the country.

‡ Col. Eccl. Hist. vol. ii. p. 671.

‖ Strype's Ap. to the Life of Whitgift, N° 45, lib. iv.

§ Fuller says, (lib. x.) "I am credibly informed from a good hand, how in the days of king James, a Scotchman and a prevalent courtier had swallowed up the whole bishopric of Durham, had not archbishop Bancroft seasonably interposed his power with the king, and dashed the design."——Credible though the information were, yet it was not true; there being no such prevalent courtier, nor no such design. 'Tis true, the stomachs of the Scots were sharp set, still crying give, give, but never satisfied: king James as bountiful and open-handed towards them as they could desire. But neither were they so impudent as to crave, nor the king so impotent as to give a whole bishopric at once, especially so rich a bishopric as this of Durham. But the truth is, that George Hume earl of Dunbar, lord-treasurer of Scotland, and highly favoured by the king, having procured a grant of all the batable grounds, as they then called them, upon the borders of both kingdoms, began to cast his eye upon Norham castle, and the lands about it belonging to the See of Durham, conceiving it a fit place to command all the rest: But being a well-principled man, and a great minister of that king in restoring the episcopal government to the church of Scotland, he acquainted bishop Bancroft with his desires, who, knowing what great use might be made of him for the good of his church, and being sure enough of the consent of Dr Matthew then bishop of Durham, he thus ordered the business. Whereas the revenue of Norham castle and the lands adjoining were valued at 120£. per ann. in the bishop's rental, it was agreed that the earl should procure of the king an abatement of six score pounds yearly out of the annual pension of a thousand pounds, which had been laid upon the bishopric by queen Elizabeth; that he should obtain from the king, for the said Dr Matthew and his successors, a restitution of his house in the Strand called Durham-house, with the gardens, stables, and tenements

On the 26th of July, 1606, bishop Matthew was translated to York; which dignity he enjoyed till the 29th of March, 1628; on which day he departed this life, at Cawood; and was buried in our lady's chapel, at the east of York cathedral; The epitaph* given in the notes being inscribed on his tomb, which is of black and white marble, adorned with gold, representing his effigies incumbent in full proportion in his archiepiscopal robes. He married Frances Barlow, daughter of Barlow bishop of Chiches-

thereto appertaining, which had been alienated from that bishopric ever the dissolution of it by Edward VI. Thirdly, that in consideration hereof, bishop Matthew should make a grant of Norham castle, and the country adjoining, in fee farm to the king, by him immediately to be conveyed to the earl of Dunbar. And fourthly, that his own turn being thus served, the said earl should join with bishop Bancroft and his friends, for obtaining from the king an act of parliament, whereby both he and his successors should be made incapable of any of the like grants and alienations for the time to come; which, as it was the best market that ever Toby Matthew was at, so was it the best bargain which was ever driven for the church of England: so far from swallowing up that bishopric, that it was the only means to save that, and preserve the rest. ——Dr Heylin's Examen Historicum, 8vo. Lond. 1659, p. 176.

* Tobias Matthæus,

Illustri Matthæorum familia apud Cambros oriundus; Bristoliam natalibus Oxoniam studijs ornavit. Cum omni politiori doctrinæ theologiam conjunxerat, statim in concionibus dominari cœpit. In aula, academia, urbe, rure juxta celebris. Neque Chrisostomum Græcia quam Tobiam suum Anglia jactantius olim profitebiter. Innotuit simul ac summa apud reginam Elizabetham gratia invaluit. Neminem illa libentius audivit, aut prædicantem fusius prædicabat. Anno ætatis 28 collegio D. Johan. Baptistæ Oxoniensis præficiebatur, archidiaconus una in ecclesia Wallensi, ac in ædibus Christi canonicus; mox ijsdem ædibus decanus præfuit. O'ibus tandem qui academicos beare solent honoribus perfunctus ad Dunelmensen decanatum provectus est. Post aliquot annos major decanatu succrevit viri fama, ac prono in eum reginæ favore Dunelmensis episcopus ecclesiæ constituitur. Cui cum præfuerat annos circiter XII. serenissimi regis Jacobi auspicijs ad archiepiscopum Eboracen. translatus est. Non potuit enim tota indoles, quocunque vergerat, infra summum se sistere. Hisce gradibus ad tantum culmen evasit, virtutes quibus illud ornavit non capit marmor; historicum quærunt, non sculptorem. Inter cætera, hospitalitatis laus pene illius propria fuit; Tobiæ ædes et divitum aula et pauperum Xenodochiu in dies fuere cathedram hanc tenuit ann. 22. rara felicitate; cum sexagenari eandem occupaverat, vix ad extrema' senectute' exaruit dives illa concionandi vena; cu' erat septuagenario major, nemo in concionibus frequentior, nemo felicior, nemo quem in æternu' magis audire velis. Deficientibus ad pulpita virbis cœpit ipse statim languescere; quasi sola illa vitalis aura quam concionando hauserit, nec studio ac labori superesse voluerit. Beatissimus senex impleto ætatis anno 82 placide emigravit 29 Martij 1628. Corporis exuviæ su'mo cu' o'ium morore huc illatæ Chri. adventu expectant et ani'am reducem. Noli illu' putare, viator, ab hoc augusto marmore quicquam no'is mutuari; quovis augustissimo mausoleo augustius est quod hic conditur. Tobiæ nomen et tibi, marmor, et huic sacratissimo templo, monumenti instar quovis aere perennioris.

ter, whose monument is in York cathedral, with the inscription as in the notes.*

In the History of the Church of York we have the following reflection on our reverend prelate: "Whilst he sate here, if he "had not alienated from the See, to please the duke of Buck-"ingham, York-Place in the Strand, which was no jest, he "might have preached and pun'd out to the end of his days, "leaving a much better memorial." Fuller says, "he was "one of a proper person, and was of a cherefull spirit, yet "without any trespass on episcopal gravity, there lying a "real distinction between facetiousness and nugacitie. None "could condemn him for his pleasant wit, though often he would "condemn himself, as so habited therein, he could as well not "be, as not be merrie, and not take up an innocent jest, as it lay "in the way of his discourse. One passage must not be forgot-"ten: After he had arrived at his greatness, he made one jour-"ney into the West, to visit his two mothers; her that bare him "at Bristol, and her that bred him in learning, the university "of Oxford. Coming neer to the latter, attended with a train "suitable to his present condition, he was met almost with an "equal number, who came out of Oxford to give him entertain-"ment. Thus augmented with another troop, and remembering "he had passed over a small water, a poor scholar, when first "coming to the university, he kneeled down, and took up the "expression of Jacob, *With my staff came I over this Jordan, and "now I am become two bands.*"†

* Frances Matthew

First married to Matt. Parker, sonne to Matth. Parker, archbp. of Cant. afterwards to Tobie Matthew that famous archb. of this See. She was a woman of exemplary wisdom, gravity, piety, beauty, and indeed all other virtues, not only above her sex, but the times. One exemplary act of hers, first devised upon this church, and through it flowing upon the country, deserves to live as long as the church itself: The library of the deceased archbp. consisting of about 3000 books, she gave entirely to the public use of this church;—a rare example that so great care to advance learning should lodge in a woman's breast; but it was the less wonder in her, because herself was of kin to so much learning. She was the daughter of Will. Barlow bp. of Chichester, and in K. Henry VIII's time ambassador into Scotland, of the ancient family of the Barlows in Wales. She had four sisters married to four bishops, one to Will. Whickham bp. of Winchester, another to Overton bp. of Coventr. and Litchf. a third to Westphaling bp. of Hereford, and a fourth to Day that succeeded Whickham in Winchester: So that a bishop was her father, an archbishop her father-in-law; she had four bishops her brethren, and an archbishop her husband. When she had lived 75 years the 10th of May, she changed this life as full of honour as of days, A. D. 1629.

† Gray's Notes.—Ath. Oxon. vol. i.—Wood's Hist. and Antiq. Oxford, vol. ii. p. 255.—Dr Samson's Life of Tob. Matth. MSS. penes R. Thoresby, Leeds.—His Diary in MSS. S. Thoresby.—Strype's Ann. vol. iii. p. 465, &c.—2d Ath. Oxon. 194.—A controversy between him and the archbishop of York.—Strype's Ann. vol. iii. p. 551.—Biog. Brit. vol. vi. p. 4048.

"Of this extraction came Sir *Tobie Matthew, having all his "father's name, many of his natural parts, few of his moral vir- "tues, fewer of his spiritual graces, as being an inveterate enemy "to the protestant religion."†

From the time of Matthew's translation to the coming of bishop James, nothing was done in the chancery at Durham, their being no seal.‡ On the 5th day of August 1606,

WILLIAM JAMES, D. D.

then dean of Durham, was elected bishop of this See; he was consecrated on the 7th day of September, and had the tempora-

Acts of Parliament.

1585, 27 Eliz. cap. 15. Private act for the foundation of Christ's hospital in Sherborn, within the county palatine of Durham.
1601, 43 Eliz. c. 11. For the recovery of lands in Durham.
——— For peaceable government of Durham.

TOBIAS MATTHEW, S. T. P. dean of Durham.
Leave of election 25th March, 1595.
Royal assent 7th April, 1595.
Consecrated on Palm-Sunday, 13th April.
Temporalities restored 29th April.
Translated to York 26th July, 1606.

Officers of the See during bishop Matthew's time.

High-sheriff,—John Conyers de Sockborne, knt. 22d May, 1593; oc. 27th May, 1598.—Vide Strype's Ann. vol. iv. p. 344.—Again at Martinmas, 1604.
Escheator,—Henry Lyndley, knt. ap. for life, in as ample a manner as Will. Fleetwoode, or Robt. Tailboys, esq; or any other enjoyed that office, 30th Ap. 1595; confirmed the 18th of Jan. 1596, by dean James and chapter of Durham.——Tho. Chaitor, esq; oc. dep. 30th Jan. 1595.
Temporal chancellors,—Thomas Calverley, esq.
Cuthbert Pepper, knt. by resig. of Calverley, attorney in the court of Wards. Vide Dudg. Orig. Jurid. p. 295.——Ap. for life, and also receiver-general 26th May, 1605, *apud man'ium de Stockton*. Confirmed by dean James and chapter 22d Oct.—Reg. James.
Constable of the castle,—Henry Lyndley, gent.
Senescal,—Thomas Calverley, esq.
Attorney-general,—Robt. Cooper, esq; fee 100s.——Randal's MSS.

* Thus he wrote his name.

† Fuller, Biog. Brit. vol. vi. p. 4048.——To complete his education, he went abroad, and was by Parsons the jesuit seduced to the church of Rome, and persuaded to enter into the society of Jesus. He appears, like many of his fraternity, to have been much a greater politician than a divine; though among the various things that he amused himself with, divinity had its turn. He was often a spy upon such companies as he was admitted into upon the foot of an agreeable companion, and, with the most vacant countenance, would watch for intelligence to send to Rome. We find him much at court, and deeply immersed in politics. He died 13th Oct. 1655. ———Granger's Biog. Hist. vol. p. 419.

‡ There is an old map of Durham, with the seals of bishop Matthew as count palatine, the church and city round it, engraved by Matthew Patteson, dedicated to bishop Matthew.——Eng. Topog. p. 44.——Gough's Anecdotes, p. 344.

lities restored on the 16th of the same month, on which day he was enthroned by proxy.

Bishop James was born in the county of Stafford,* and brought

* From the Visitation Book of the county of Durham, by Sir Richard St George, norroy, 1615.—In the collection of Marmaduke Tunstall, esq.

John James, of Little-Ore, in the county of Stafford.

John James, of Little-Ore, = Ellin d. of William Bolt.

- Wm James, bp. of Durham. = Catherine, d. of Wm Risbye, of Newington, 1st wife.
- Isabel, widow of Robt Atkinson, alderman of Newcastle, 2d wife. = Thomas, 2d son.
- Francis, 3d son, LL D. master of the chancery, judge of the audience, and chancellor of Wells. = Blanch, d. of Gunter, and widow of Hen. Billingly, son & h. of sir Thomas.
- Lydia, d. of Massam, of Suffolk. = Edward, 4th son.
- d. of Pyott, alderman of London 2d wife. = Jonna married Tho. Wildey 2dly Thomas Chamberlayn
- Lydia, wife to —Wright, mercht. in London. = Hester, 2d d.
- John Wildey. = Thomas Wildey.

William = Ann, d. of John Dorley, of Overbury, in co. Suf.

- Timothy merchant in Lond. 2d son.
- John M. A. in Oxford, o. s. p. 3d son.
- Francis, 4th son, aet. 14 1615.

John James, s & heir, aet. 19, 1615.

up at Christ-Church college in Oxford. In the year 1572, he was elected master of University college; on the 27th of August 1577, was appointed archdeacon of Coventry; in 1584, was made dean of Christ-Church; and in 1596, dean of Durham. He was chaplain to Dudley earl of Leicester, and attended him near the hour of death.*

This was not a season for many public acts, yet we find he was a chief instrument in perfecting the bargain made by his predecessor, and getting confirmed the restitution of Durham-House. He repaired the chapel at a great expence:† He granted letters patent of the office of coroners,‡ and also that of water-bailiff of the port of Sunderland, with the ancient fee of 26s. 8d.‖ to hold during pleasure. By this appointment he was authorised to collect, for the bishop's use, "all such free customs or usages, "fines and tolls for casting of ballast, anchorage, beaconage, "rivage, and other customs and usages, as to the bishop in the "said port was due, and as in other ports for the like; and also "to take to the bishop's use all royal fish, wrecks of the sea, cus-"toms, usages, and forfeitures whatsoever," arising within the limits of that port, rendering an account at the bishop's exchequer. The bishop granted a market and fair at Wolsingham; and gave a charter of incorporation to cloth-workers within the city of Durham, which trade, nevertheless was not prosecuted there. He granted forfeited lands at Foxton to one Robert Laverick; lands in West-Auckland, forfeited by Christopher Hind, he granted to Thomas Raine; and lands in Elton, forfeited by Gilbert Dixon in outlawry, he granted to John Calverley. On the 5th of October 1614, an inquisition was taken before Sir

* He once had the honour to entertain queen Eliz. at a public banquet.

† Reg. 333.

‡ Ra. Bowes and Rob. Bowes, gent. for the life of the longer liver, with a yearly stipend of 4l. which pat. in 1613 was confirmed by the dean and chapter.——E. Pat. Book, and old Rental in the auditor's office, p. 186.

W. D. gra. &c. Sciatis, q'd nos Joh. Richardson de civitate Dun. gen. constituimus sup'visore. o'iu. dominor. castror. man'ior. &c. qua'diu nob. placu'it recipiend. &c. viginti marcas leg'lis monete, &c. 29 Sep. 1609.——Ex ibid.

W. D. gra. &c. Sciatis, &c. concedimus Thome Ogle de Hepscott in co. North. gen. offic. capital. senescalli si'e senescalcie d'nij si'e man'rij n'ri de Bedlington et Bedlingtonshire, &c. habend. &c. dur. vita n'rali ip'ius T. &c. 7 Dec. 1610.——Ex ibid.

Collac'o'es et instituc'o'es, &c. extract. e libro subscripc'o'um tem'e Will'i James ep'i Dun. ab a'o 1606 in annum 1617. E copia penes Bremes Wheler.——Randal's MSS.

By this it appears that Wm James was instituted to Washington rectory on 12th Sept. 1616.

‖ Spearman's Enq. Rot. James, N° 118. Vide official. auditor. episc. Dated 6th July, 1609——Hugall's Extracts.

George Selby, knt. sheriff of Durham, touching a wreck on the Ryhope sands, *infra libertatem regalem e'patus Dunelm*, seized by the above-mentioned officer to the bishop's use, *ratione prerogative sue.*

During this prelate's time, the king sent into the palatinate, *litteræ regales pro levacione hominum.*

The bishop departed this life* on the 11th day of May 1617, and was interred near the entrance into the choir of the cathedral of Durham, the exact place not known: The tomb-stone was ornamented with his effigies in brass, holding a bible in his hands, with the following inscription, as given by Browne Willis:

Memoriæ sacrum Gulielmus James, honestis et ingenious parentibus apud Osborn in com Stafford natus: Ædis Christi in acad. Oxon. alumnus, S. T. P. Magister col. universitatis, deinde ædis Christi ibid. decanus constitutus, et ter. academinæ procancellarius: Unde ob doctrinæ gravitatem et spectatem prudentiam a regina Elizabetha ad decanatum Dunelm. unde ad episcopatum ibid provectus; et demum a Christo dum ecclesiæ patriæ, et principi invigilaret, in cælestam patriam evocatus placide in Domino emigravit, et quod mortale fuit, certa spe resurgendi hic deposuit 11° die Maij anno salutis 1617, et ætatis 75.

Posuit Franciscus honoris pariter ac virtutum patris studiosissimus qui lapidem hunc et pietatem suam inviolatam expetens subscripsit. Deu. xxvii. 17.

Male erit ei qui non honoret patrem suum: Hujus monumentum siquis clepserit, repseritque, sacrilegus esto.

The bishop by will bequeathed twenty pounds to the poor in Durham, and twenty pounds to the poor in Auckland; and he made his son Francis executor.†

* Gray's notes.—Ath. Oxon, vol. i. p. 420, 725.—Fuller's Ch. Hist. lib. x. p. 71.—Hobb's Rep. p. 138.—Worthies of England, p. 102—His sermon preached at Paul's Cross 9th Nov. 1589, on 1 Cor. xii. 25. Vide Pam. 21. N° 3.—Browne Willis——His grandson, Wm James, of Washington, esq; married the daughter of Leo. Wastel, of Scorton, esq; and had issue several daughters, coheiresses, among whom that estate was divided: Dorothy, the eldest, married Sir Rich. Musgrave, of Hayton-castle, bart.

The numbers of men, between the age of 16 and 60, that appeared at the muster 1615.

Chester ward	2657
Easington ward	1494
Darlington ward	2946
Stockton ward	1223
Total	8320

† William James, S. T. P. dean of Durham.
Elected ——
Consecrated 7th Sept. 1606.
Temporalities restored 16th Sept.
Died 11th May, 1617, æt. 75.

During the vacancy of the See, which was upwards of four months, the dean and chapter exercised the spiritual jurisdiction. The king, by letters patent, appointed Sir Richard Hutton keeper of the great seal, which was then made anew,* to whom he directed a warrant for putting the said seal to a patent ap-

Officers of the See during bishop James's time.

High-sheriff,—John Conyers, of Sockburne, knt. ap. 19th Sept. 1606—Tho. Robson, under-sheriff.

Geo. Selby, knt. 1608. Rot. 4.

Escheators,—Francis James, LL. D. bishop's brother, ap. for life.

John Richardson, jun. esq; 1710.

Temporal chancellor,—Cuth. Pepper, knt.

Constables of the castle,—Cha. Wren, knt. ap. for life. Rot. AA. James, N° 96. —To excute the office by himself, or a sufficient deputy, to be approved by us and our successors, and to receive *p. vadio suo annuatim* 20 marks, and one robe of the suit of our gentlemen, or 13s. 4d. in lieu of that robe.—He was brother of Francis Wren of Henknowle, and son of Anthony Wren of Binchester, and Elizabeth his wife, daughter of Chr. Wandisford, of Kirklington, esq.

Cha. Wren, knt. and Lindley Wren, esq; son and heir apparent of Charles, ap. for their lives 10th Jan. 1609. Rot. AA. James, N° 95.

Senescal,—Tho. Calverley, esq; ob. 1613.

Fra. James, LL. D. *unus magistror. curie cancellarie, ac. Fr. n'r*; and Robt. Cooper, arm. *consiliarius ad legem*,—ap. for their lives *post mort.* Tho. Calverley, *sursum redditionem forisf c'uram v'l quamcu'q. ad vacac'o'em.* At Auckland 12th Oct. 1609.

Robt Cooper, esq; counsellor at law, ap. for life 1st Feb. confirmed by dean Newton and cha. 28th Apr. 1614.

Attorney-general.—Robt Cooper, esq.

Solicitor-general,—John Richardson, esq.——Randal's MSS.

Act of Parliament.

1609, 7 James I. Table of private acts, An act for the assurance of certain lands and rent to the bishop of Durham and his successors, and of certain other lands to Robert earl of Salisbury.

* "These are to will and require you, that p'sentlie and with all convenient speed you make or cause to be made, one competent great seal for his maj'y, for the b'prick and co. pal. of Durham, to be used during the vacancy of the b'prick, the saide seale to be made in this manner, viz. with his ma'ty's armes crowned on the one side, with this title, *Jacobus Dei gra. magne Britannie Francie & Hib'nie, rex fidei defensor*; and on the other side, the arms of the b'prick, with a mitre on the escutcheon, with this inscription, *Sigillum d'ni n'ri r's Jacobi p epatu. Dun sede vacan.* 1617. And this shall be your sufficient warrant in y't behalf. From Suffolk-House this 27th of May, 1617.

To my loving friend Thomas Antony, graver of his majesty's mynt and seales."——Rudd's MSS.

1618, 1 James, 2d June. A commission issued by Sir R. Hutton to John Richardson, Tho. Withes, and John King, to empower them to compound for licenses of alienation, pardons for all without licence, fines for liveries, *ouster les mains*, and other compositions; and to seal all mandates and writs to be directed to the sheriff or coroner during the vacancy.

pointing Sir George Selby to be sheriff, dated 31st May, 15 James I.

After this short vacancy,

RICHARD NEILE,

then bishop of Lincoln, was translated to this See; he had leave to receive confirmation within the province of Canterbury the 3d of October 1617, and accordingly was confirmed on the 19th of the same month; was enthroned on the 18th of November, and had the temporalities restored about the same time.

Bishop Neile was born at Westminster* in the year 1562, and educated at the school there, under Mr Grant, superior to Mr William Camden, then under-master. He was sent to St John's college, Cambridge, by the bounty of the lady Mildred Burleigh, at the instance of Dr Goodman, then dean of Westminster; his own friends being unable to maintain him at the university, the family then overwhelmed in the ruin his grandfather sustained in the year 1539, who lost his estate and some lucrative employments at court, by flying from persecution under the six Bloody Articles; the utmost ability left to this unfortunate gentleman was scarce sufficient to enable him to place his son, the bishop's father, an apprentice to a tallow chandler.† After our prelate

* Le Neve, p. 136—The most of this account was communicated to me by the reverend and learned Mr Tho. Baker, B. D. in St John's college, Cam. who had it from a worthy clergyman, a grandson of the archbishop.

1617, 15 James I. De licentia eligendi pro episcopo Dunelm.——Rym. Fœdera, vol. xvii. p. 17.

——— ——— De significavit pro Rich. Neile, ep. Dun.——Ibid.

——— ——— De restitutione temporalium p. R. Neile, ep. Dun.——Ibid. p. 26.

1625, 1 Charles I. Grant to duke of Buckingham for working silver mines at Muggleswick.——Ibid. vol. xviii. p. 90.

——— ——— De officio memoratoris infra episcopatum Dunelm. concessa Johanni Richardson, armigero. 636.——Ibid. p. 272.

——— ——— Commission of the peace for Durham.——Ibid. p. 576.

1626, 2 Charles I. Grant of yearly rents issuing out of lands, &c. in the county of Durham, for the life of Henrietta Maria, queen to Charles I.——Ibid. p. 688.

——— ——— ——— A commission for the loan-money, com. Dun.——Ibid. p. 840

——— ——— ——— Grant to Henry Gybb, keeper of Brancepeth park.——Ibid. p. 866.

† He was admitted scholar of the house of St John's college for Dr Goodman, a private founder, 22d Apr. 1580, pursuant to the following letter: "To the master and fellows of St John's college, *salutem in Christo*. Whereas Richard Locksmith, one of the two scholars of your late bye-foundation, is otherwise placed: I am required by the foundress (lady Mildred Burghley) to recommend unto you, in the place of the said Locksmith, the bearer hereof Richard Neale, a poor and a fatherless child, of good hope to be learned, and to continue therein, requiring you that he may receive

left the university, he was taken into lord Burleigh's family, and was domestic chaplain to those illustrious personages William lord Burleigh and Robert Cecil earl of Salisbury. He commenced doctor in divinity in the year 1600.* What preferment he had by the queen's bounty is not known; but, preaching before her majesty when he lived with the old lord Burleigh, she was affected by his arguments and manners, and authorised his lordship to remind her of his promotion. He was said to be *vir mediocriter doctus, sed predicater mirabilis.*† He was prebendary and then treasurer of Chichester; was vicar of Cheshunt in Hertfordshire, which he enjoyed till about the year 1609. He was preferred to the deanry of Westminster by king James, and installed on the 5th of November, the very day memorable for the gunpowder plot.‡ In October 1608 he was consecrated bishop of Rochester: On the 3d of December 1609 he assisted at the consecration of Harsnet bishop of Chichester, and Abbot

and enjoy all such profits and commodities as shall be due unto him, with your favours. God prosper you and your charge with his grace, and increase of virtue and learning. From Westminster college this 16th of Apr. 1580. Your assured in Christ,

GABRIEL GOODMAN."

Our young scholar was entered in the matricula of the university 18th May following.——Le Neve, 138.

* About which time, there being a great noise about a sermon, preached at the court at Whitehall, of confession; as also the like rumour of a determination at Cambridge, touching the state of the souls of the faithful before Christ's ascension; he kept the commencement act, and therein maintained the following questions: 1. *Auricularis confessio papistica non institur verbo Dei.* 2. *Animæ piorum erant in cœlo ante Christi ascensum.*——Ibid. p. 139.

† Randal's MSS.

‡ In a memorial of sundry things, performed by the dean and chapter of Westminster, it is said, obtained of his majesty the renovation and confirmation of our letters patent for our election of scholars to both universities, that we shall have three every year preferred to either university, with an enlargement of the patent of his majesty for the preferring of Westminster scholars to fellowships in Trinity college. Myself have yearly sent out of this school to the university, besides those six that have been elected, whom I have gotten placed in the scholarship in other colleges, besides Trinity college and Christ-Church, some years two, some years three, and with some charge to me, which I have carefully done in a thankful rememberance of God's goodness shewed to me, in my being preferred from this school to St John's college, Cambridge, by the honourable bounty of my foundress and patroness the lady Mildred Burghley, late wife of my old master the lord-treasurer Burghley, and mother of my most honourable master the earl of Salisbury, now lord-treasurer. By the goodness of which my two most honourable masters, I am whatsoever I now am; and without the goodness of which my most honourable foundress and patroness, upon the motion of Dr Goodman, the then reverend dean of this church, I think I should never have been sent to the university; but that the best of my fortunes would have been, to have become some bookseller's apprentice in St Paul's church-yard, to which trade of life Mr Grant, then schoolmaster here, persuaded my mother to have disposed of me.——Le Neve, p. 141.

bishop of Litchfield and Coventry: In the year 1610, on bishop Abbot's being removed to London, our prelate was translated to Litchfield, and thereupon resigned the deanry of Westminster, which he held *in commendam* with Rochester: In 1611 he assisted at the confirmation of Abbot to the archiepiscopal See of Canterbury, and the consecration of Thompson bishop of Gloucester, Buckeridge bishop of Rochester, and King bishop of London; and, in the following year, he assisted at the consecration of Smith bishop of Gloucester.

Bishop Neile was in great favour with the king: He sent him to Peterborough, to assist at the solemn service of removing the body of the royal mother, Mary queen of Scots, to be interred at Westminster, the remains being brought thither on the 8th of October, in the year 1612. He and bishop Laud were the heads of the opponents to the puritans, and found means so far to win upon the confidence of the sovereign, as to have the disposal of the church preferments. In the life of bishop Andrews is the following relation: "There is a pleasant story related of "him (bishop Andrews) while he was bishop of Winchester, "which was told by Mr Waller the poet to his son-in-law Dr "Birch. Waller going to see king James at dinner, on the day "on which the parliament had been dissolved, overheard a very "extraordinary conversation between his majesty, bishop An- "drews, and Dr Neile bishop of Durham. These two prelate's "standing behind the king's chair, James asked them, 'My "lords (said he) cannot I take my subjects money when I want "it, without all this formality in parliament?' The bishop of "Durham, who was a complete court sycophant, readily answered, 'God forbid, sire, but you should; you are the breath of our 'nostrils.' Whereupon the king turned, and said to the bishop "of Whinchester, 'Well my lord, what say you?' 'Sir,' replied "the bishop, 'I have no skill to judge of parliamentary cases.' "The king answered, 'No put-offs, my lord; answer me pre- "sently.' 'Then, Sir,' said bishop Andrews, 'I think it lawful "for you to take my brother Neile's money, for he offers it.' "Mr Waller said, the company was much pleased with this an- "swer, but the king seemed particularly struck with the wit of "it; for a certain lord coming in soon after, his majesty cried "out, 'Oh, my lord, they say you *lig* with my lady.' 'No, Sir,' "said his lordship, in some confusion, 'but I like her company, "because she has so much wit.' 'Why then,' returned the "king, 'do you not *lig* with my lord of Winchester there?"*

* Life of Sir Edmund Waller, prefixed to his own works, edit. 1722, p. 5, 6.

In the year 1613, bishop Neile was on that famous inquisition relative to the divorce of Robert earl of Essex and the lady Frances Howard his wife, and was one of the four bishops that certified therein,* and put their names to one of the most singular records in the English archives: The trial was infamous, and the whole was conducted with a spirit which reflects eternal dishonour on the then subsisting laws of this country: The sentence conveys in strong images its own condemnation. The writer of the Life of James I.† under the year 1620, has the following remark on our prelate: Speaking of the king's smiling at a satyrical sermon preached before him by one of his own chaplains at Greenwich, chiefly pointed against the lord-treasurer Cranfield, he thus proceeds: "It seems Neile the bishop of Lincoln was "not by him then, for when any man preached that had the "renown of piety, (unwilling the king should hear him) he would "in the sermon time entertain the king with a merry tale, (that "I may give it no worse title) which the king would after laugh at, "and tell those near him, he could not hear the preacher for the "old b——— bishop. We must confess this relation smells too "rank, but it was too true; and hope the modest reader will "excuse it, seeing it proceeds not from any rancour against the "prelacy, but to vindicate God's justice to posterity, who never "punishes without a cause; and such like practices as these were "doubtless put upon the score, which afterward gave a period to "that hierarchy. This man's hand helped to close up the coun-"tess of Essex's virginity, when he was Coventry and Litchfield; "his heart had this kind of vanity when he was Lincoln; and when "he was archbishop of York his head was so filled with Armi-"nian impiety, that in the next king's reign he was looked upon "by the parliament to be one of the great grievances of the king-

* Declaration, That Robert earl of Essex and the lady Francis Howard, contracted by shew of marriage, did cohabit in one house, and lie together in one bed *nudus cum nuda et solus cum sola*, and that the said lady Frances did shew herself prompt and ready to be known of him, but that the said earl neither did nor could have knowledge of her; and that the said lady Frances, by inspection of her body, was proved to be apt for carnal copulation with man, and yet was a virgin: And therefore we the said judges deputed in the cause, first invoking the name of Christ, and setting God before our eyes, do pronounce, decree, and declare the pretended marriage to be utterly void and of no effect; and that the said lady was and ought to be free and at liberty from any bond of such pretended marriage *de facto* between them: And that we do pronounce that she ought to be divorced, and we do free and divorce her; leaving them, as touching other marriages, to their own consciences in the Lord. Which, our definitive sentence and decree, we ratify and publish.

Tho. Wint, Lancel. Elie, Rich. Coven. and Litchfield, John Roff, bishops. Julius Cæsar, Tho. Parry, Dan. Dunn. knts.

† Compl. Hist. of England, vol. ii. p. 729.

"dom. His so near attendance on the king's person was, by "being vested with the office of clerk of the closet to his majesty, "in which he was continued when bishop of Durham, but the "time of his first admission to that place I have not yet found."*

In the same year (1613) he was translated to Lincoln, to which he was elected the 17th of January, confirmed the 18th of February, installed by proxy the 14th of May, and in person the 3d of August, 1614. In that year he assisted at the consecration of Overal bishop of Litchfield; on the 6th of May 1615 he consecrated the new chapel at the earl of Salisbury's seat, near Hatfield; in 1617 bishop Neile attended the king in his progress to Scotland, and on his return from thence was translated to Durham. Dr Heylin, in his Life of Archbishop Laud, part I. p. 74, has the following paragraph relating to this translation: "But whatsoever the king lost by the journey, I am sure the "bishop of Lincoln got well by it: For James bishop of Dur- "ham dying during the king's abode in Scotland, his majesty "bestowed upon him that wealthy bishopric, one of the wealthiest "in revenues, but absolutely one of the greatest in power and "privileges. Into this bishopric being canonically confirmed "on the 9th of October 1617, he presently set himself on work "to repair the palaces and houses belonging to it, which he had "found in great decay; but he so adorned and beautified them "in a very short space, that they that saw them could not think "that they were the same. Three thousand pounds he is affir- "med by bishop Godwin to have disbursed only on this account, "having laid out before no less than a thousand marks on the "episcopal houses of the See of Lincoln, besides a good round "sum on the house of Bromley, the habitation and retreat of "the bishops of Rochester. But that which gave him most con- "tent was his palace of Durham-house in the Strand, not only "because it afforded him convenient room for his retinue, but "because it was large enough to allow sufficient quarters for "Buckridge bishop of Rochester, and Laud dean of Gloucester, "which he enjoyed when he was bishop of St David's also; some "others quarters were reserved for his old servant Dr Linsell, "and others for such learned men of his acquaintance as came "from time to time to attend upon him; insomuch as it passed "commonly by the name of Durham College. A man of such "a strange composition, that whether he were of a larger and "more public soul, or of a more uncourtly conversation, it were "hard to say." The duke of Buckingham was then the royal

* Le Neve, p. 146.

favourite, and attended the king on this tour. About this period the king issued *A book of toleration for sports and recreations on Sundays after evening prayer*, enjoining all ministers to read the same under severe penalties. This does not reflect much credit on our prelate, who then held his office of clerk of the closet,* and at a time when the religious rules were held so lax, as to encourage the way-sliding of many proselytes, and giving much opportunity to the various sectaries who strove to divide religion into atoms.† In the year 1626 the king granted his several fee-farm rents issuing out of lands in the county of Durham, in provision for his royal consort Henrietta-Maria. The curious record in the notes shews the several portions in which, and places from whence, the fee-farms issued.‡

* Pryn's Breviat of archbishop Laud, p. 6.

† The king's declaration 24th May, 1618.—"That for his good peoples lawfull recreations, his pleasure was, that after the end of divine service, they should not be disturbd, letted, or discourged from any lawfull recreations; such as dancing either of men or women, archery for men, leaping, vaulting, or any such harmless recreations: Not for having of May-games, Whitsun-ales, or Morrice-dances, and setting up of May-poles, or other sports therewith used, so as the same be had in due and convenient time, without impediment or let of divine service: And that women should have leave to carry rushes to the church for decorating of it according to their old custom; withal prohibiting all unlawful games to be used on the Sundays only, as beartbating, bull-baiting, and (at all times in the meaner sort of people by law prohibited) bowling."

At Ambleside, in Westmorland, I was present at the ceremony of rush-bearing, on the anniversary day of the dedication of the church, and never remember to have seen a procession which gave me so much pleasure. The rushes are won in the adjacent lake of Windermere, and made into mats and hassocks. The girls bore garlands of the most excellent fancy, and their arrangement was whimsical and full of taste. The evening concluded with dancing &c.——W. H.

‡ *Grant for life to queen Henrietta-Maria, consort to king Charles I.* 1626.

Rex omnibus ad quos, &c. salutem Sciatis quod nos tam pro amore et affectione nostris, quas ex animo et intime gerimus erga precharisamam et predilectissimam consortem nostram dominam Henrietta-Mariam reginam, quam in parte compensationis et contentationis pro junctura et dote suis, de gratia nostra speciali ac ex certa scientia et mero motu nostris, dedimus, concessimus, et assignavimus, ac per presentes pro nobis heredibus et successoribus nostris, damus, concedimus, et assignamus dicte consorti nostre Henriette-Marie regine: Totum illum annualem redditum sive feodum firmum nostrum undecim librarum duodecim solidorum et duorum denariorum, de manerio de Edredacres infra episcopatu Dunelmensem, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum nostrum sexdecim librarum et solidorum, de prebenda de Auckland et Binchester in predicto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum quadraginta trium librarum et decem solidorum de decanatu de Lanchester, et de prebenda de Langley infra episcopatum Dunelmensem predictum, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum triginta sex librarum tresdecim solidorum et quatuor denariorum, de decanatu de Darlington, ac de decimis lanæ agnorum et vitulorum in Darlington predicta in dicto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive firmum nostrum undecim librarum quinque solidorum et quatuor

About the end of April 1627, bishop Neile was sworn of his majesty's most honourable privy council;* on the 9th of October in the same year, was appointed one of the bishops to exercise archiepiscopal jurisdiction during the sequestration of archbishop Abbot; on the 10th, was elected and translated to Winchester; in 1628, assisted at the confirmation of George Monteigne bishop of Durham to the archbishopric of York; in August, assisted at the consecration of Montague bishop of Chichester, of Mawe bishop of Bath and Wells, and, in September, of Curle bishop

denariorum, de prebenda de Cockerton, Blackwell, et de prebenda de Rawe, parcella decanatus de Darlington predicta in dicto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum octagin' et octaginta librarum, de diversis terris, messuagiis, grangis, dominiis et maneriis de Allerton alias Allertonshire in comitatu Eborum, ac de dominiis et maneriis de Esington alias Esington Ward alias Esington-Coronatorum, Sedbargh, Cotton-Monvile, Midleham, et Gateshed, in dicto episcopatu Dunelmensi, ac de terris et tenementis in Holden et Holdenshire in dicto comitatu Eborum, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum quadraginta septem librarum undecim solidorum et quatuor denariorum, de manerio de Chopwell in episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntem sive solubilium: Ac totam illam decimam sive annualem redditum nostrum ducentarum et octodecim librarum reservatarum de scitu et precinctu nuper monasterii Dunelmensis, in Dunelmensi episcopatu, ac inde nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum octoginta trium librarum et septem solidorum, de manerio de Grindon in episcopatu Dunelmensi predicto, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum, septemdecim librarum sex solidorum et octo denarium, de rectoria et ecclesia de Stainton, in prædicto episcopatu Dunelmensi; nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum viginti duarum librarum, de rectoria et ecclesia de Hart et Hartlepoole in docto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum viginti sex librarum duorum solidorum octo denariorum et unius obuli, de prebendis de Lomley, Pelton, Chester, Tanfield, Birtley, et Urpeth, in dicto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium et solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum octoginta librarum quatuor solidorum et octo denariorum de manerio de Barnes, Hamilden, et Clowcrofte, in dicto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum nostrum novem librarum et quatuor denariorum de terris et tenementis in Binchester in dicto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium sive solubilium: Ac totum illum annualem redditum sive feodum firmum tresdecim librarum sex solidorum et octo denariorum, de terris et tenementis vocatis le Close in Elwicke in dicto episcopatu Dunelmensi, nobis heredibus et successoribus nostris exeuntium sive solubilium: Habendum, tenendum, et gaudendum omnia et singula predicta domos mansionales, terras, tenementa annuales redditus, sive feoda firma decimas, et cætera premissa superius per presentes preconcessa, prefate, precharissime, et predilectissime consorti nostre domine Henrietta-Mariæ regine ad terminum vitæ suæ naturalis, absque compota suo aliquo proinde nobis heredibus et successoribus nostris quoquomodo reddendo seu solvendo. In cujus rei testimonium, &c. Teste rege apud Westmonasterium quarto decimo die Martii, 1626. Per breve de privato sigillo.

* Stow's Chron. p. 1043.

of Rochester; on the 13th of January, he attended the confirmation of Harsnet archbishop of York; and, on the 24th of October 1630, assisted at the consecration of Pierse bishop of Peterborough.

Le Neve says,* "An. 1629, June 13, the commons voted that "Dr Neile bishop of Winchester, and Dr Laud bishop of Bath "and Wells, be named to be those near about the king, who are "suspected to be Arminians, and that they are justly suspected "to be unsound in their opinions that way. And on Thursday "the 12th of Feb. following, a report was made from the committee of religion, about soliciting and obtaining the pardons "of bishop Montague, Dr Cosni, Dr Sibthorp, and Dr Mainwaring, in which Oliver Cromwell was one of this warm committee, and informed the house, that the bishop of Winchester "gave countenance to some divines that preached flat popery; "and it was by this means that Mainwaring (who by censure last "parliament was disabled from further preferment) was now "advanced to a rich living. If these be the steps, said he, to "church preferment, what are we shortly to expect?"† Among others articles in the bishop's defence, he says, "He moved king "James, at his taking the communion a few days before his "death, to make a profession of his faith, the faith of the church "of England. Whilst bishop of Durham, he brought many to "conformity. He spared not any that refused the oath of allegiance, but put many into the *præmunire* for refusing it. "Another time he caused all the ministers, church-wardens, &c. "to present all recusants. As to the communion-table of stone, "set up at Durham, it was set up by the dean, without his privity, but he did not think it a matter worth venturing a jar upon "removing it. As to the questions (of Arminianism, as after "stiled) he never meddled with them but once, when Dr Baro, "at Cambridge, being questioned by some of the heads, wrote "a discourse to the said lord Burghley, chancellor, to justify "himself; which discourse he read, and finding him of opinion "that God did elect *propter prævisam fidem*, he wrote about a "sheet, and maintained, that *Qui destinavit finem, disponit de "omnibus mediis ad finem conducentibus*; and that faith, &c. were

* p. 148.

† His episcopal character, and steady attachment to the true interest of the church and monarchy, gained him many enemies amongst the puritans, who were now grown up to be a powerful faction in this kingdom. No doubt his case would have been as bad as archbishop Laud's, had he lived long enough; but he was happily called away before the flame broke out, dying at York in the minster-yard, in the house belonging to the prebend of Stillington, 15th Oct. 1640.——Hist. Ch. of York.

"*effectus* not *causæ electionis*." As to the pardons, two of them "he owns to have had a hand in; the other two, viz. the bishop "of Chichester's and Dr Mainwaring's, were never sent to him, "nor did he know who got his majesty's hand to them; but owns "that he should have been consenting. As to standing at the "*Gloria Patri*, &c. though there be no public constitution en- "joining it, yet he held it a duty well becoming all Christians; "and in some particular churches, as at Wells, it is by their "local statutes required."

In the year 1631, he was translated to the See of York; the only instance Le Neve observes, of one man's passing through six bishoprics. He sat in this last change nine years, "and had "the good fortune to live in peaceable, happy times, and to be "taken hence just before the beginning of the times of re- "bellion and villainy. He departed this life in York, 31st "October 1640, the day as remarkable as that of his birth, on "the eve of the feast of All Saints, before the beginning of that "parliament which took away bishops, the common-prayer and "monarchy, and set forth a new confession of faith, a directory "with a correction of the 39 articles, and ended in an extirpation "of monarchy, and a settlement by way of confusion." He was interred in the chapel of All Saints, at the east end of his own cathedral, but without a monument; his son Sir Paul, though he left him a good estate, run it out so fast, that he could not afford his father a tomb-stone, nor is there a mark of any kind to denote where he was buried.*

Mr Echard gives our prelate the following character: "He "by his merits had passed through all the degrees and orders of "the church of England, having been schoolmaster, curate, "vicar, parson, chaplain, master of the Savoy, dean of West- "minster, clerk of the closet to two kings, bishop of Rochester, "Litchfield, Lincoln, Durham, and Winchester, and, lastly, "archbishop of York, in which he died but three days before "the parliament met, full of years as he was full of honours; a "faithful subject to his prince, an indulgent father to his clergy,

* He made his will, proved ult. Oct. 1640, whereby "he commended his soul to "God Almighty, his Creator and Redeemer; giving him hearty thanks for that he "was born in the year 1560, in which the articles of religion and faith of the church "of England were established and published, in the profession of which faith he was "bred, lived, and yielded up his soul."

He bequeathed to his son, Sir Paul Neile, his executor, his ring of nine diamonds, which the king of Denmark gave him, charging him to preserve the same to his children, as an honourable monument of the donor, and of his nearness in service, as having been clerk of the closet to king James, &c.——MSS. Torre, p. 479.

"a bountiful patron to his chaplains, and a true friend to all "that relied upon him."

At Auckland our prelate expended near 3000£. in repairing and ornamenting the palace: He greatly improved the castle of Durham, particularly by enlarging the windows; but it was not all at his own cost, for he sued Francis James, his predecessor's executor, for dilapidations.* Charles I. in his progress to Scotland in 1633, being entertained by bishop Morton at Durham, gave great praise to bishop Neile's improvements, and testified other marks of approbation for his memory.†

* Laud's Diary, p. 9.—Heylin, p. 69, 431, &c.

† In 1620 he granted a lease to Rowland Wetherilt, of the anchorage, plankage, &c. of the port of Stockton, and the metage of coal and grain there, &c.—Hugal's Extr.

In 1622 he renewed Rand's patent of water-bailiff for the port of Sunderland. ——Ibid.

In 1627 he granted letters patent for life to Ra. Ellison, of the offices of bailiff of the city and borough of Durham, and clerk of the market, which were confirmed by the dean and chapter.——Ibid.

Gray's Notes.——Ath. Ox. vol. i.——Fuller's Worthies Westm. p. 241.——He was first prebendary and then treasurer of Chichester.——Fast. p. 159.——See what famous men he entertained about him. Heylin's Life of Laud, p. 54.——He was translated to Winchester. Heylin, p. 165.—The occasion of it.

The See vacant.

High-sheriff,—Geo. Selby, knt. ap. last of May, 1617.
Escheator,—John Richardson.
Chancellor,—Cuth. Pepper, knt.
Constables of the castle,—Cha. Wrenn, knt. and Lindley Wren, esq.
Senescal,—Rob. Cooper, esq; counsellor at law.

RICHARD NEILE, S. T. P. bishop of Lincoln, born 1560.
Elected.
Confirmed 19th Oct. 1617.
Enthroned 18th Nov.
Temporalities restored.
Translated to Winchester 27th Feb. 1627.

Officers of the See during bishop Neile's time.

High-sheriffs,—Geo. Selby, knt. ap. 15th Oct. 1617; ob. 30th Mar. 1625.——Rob. Robson, under-sheriff.
William Bellasyse, knt. ap. 4th Aug. 1625, son of Bryan Bellasyse, of Morton, in the county of Durham, who was second son of Sir Wm Bellasyse, of Newborough in the county of York.
Escheator,—John Stephenson, esq; ap. for life 11th Sept. 1619; confirmed by dean Newton and the chapter of Durham 3d Feb. 1619. Rot. BB. Neile, N° 18.
Chancellor,—Cuth. Pepper, knt.
Richard Hutton, mil. *unus justiciarior. regis ad placita.* ap. at Durham-place, county of Middlesex, 2d Mar. 1617; also receiver-general; confirmed by dean Hunt and chapter 15th Nov. 1626. Reg. Hunt, p. 127——Born at Penrith in Cumberland; bred at Jesus-college, Cambridge; barrister at Gray's Inn; recorder of York; knighted; judge of common pleas.
Constables of the castle,—Cha. Wren, knt. and Lyndley Wren, esq.
Edward lively.

The See continued vacant only a few days, for on the 3d day of March 1627,

GEORGE MONTEIGNE, S. T. P.

then bishop of London, was translated to Durham, where he sat only three months, being advanced to the metropolitical See of York, on the 16th day of June 1628.

Bishop Monteigne was born and brought up at Cawood, near York. The History of the Church of York says, "The inhabitants of Cawood, by tradition, shew the house where he was born; and it is somewhat extraordinary that he should go a poor boy from that town, being only a farmer's son, and return to it archbishop of York, die and be buried in the place where he first drew his breath." He was sent to Queen's College, Cambridge, and entered in the matricula of that university (10th of December 1586) by the name of Geo. Moonta, for so he stands in the register;* was admitted fellow in the same college, 1591; was ordained by Howland bishop of Peterborough, January 1594; was junior proctor of the university of Cambridge, 1600;† and was for some short time chaplain to Robert earl of Essex, whom he attended in his voyage to Calais. His courage and valour were much applauded: Le Neve says, "out of his gown he would turn his back of no man."‡ In the year 1607 he commenced doctor in divinity; was some time lecturer in Gresham College, afterwards master of the Savoy, and dean of Westminster, in which preferment he succeeded Dr Richard Neile, who held it *in commendam* with the bishopric of Rochester, but resigned on his translation to Litchfield; he was installed in

Senescals.—Rob. Cooper, esq; bur. in Durham, 22d Mar. 1622-3. Par. Reg. of Bow.

Will. Smith, esq; counsellor at law, ap. during pleasure at Durham-house 15th May, 1623. Rot. AA. N° 115.——Buried in the cathedral church at Durham 16th Dec. 1631. E. Reg. Bow.

Registraries.—Edward Lively, not. pub. *servicne c'pi*, and Rich. Cradocke, gen. ap. for life 12th Oct. 1618. Reg. Neile, p. 6.——They surrendered their pat. 9th May, 1619; were again ap. for life 19th May, 1619. Ibid. p. 13.——Anthony Thompson, not. pub. deputy-reg. oc. 14th Mar. 1624; Rich. Cradocke died before 13th Oct. 1626; and Lively. serv. to the bishop, surrendered the patent to be cancelled 13th Oct. 1626. Ibid p. 93.

Richard Newhouse, de Wetlelling, in the county of York, not. pub. and Thomas Squire, jun. de civ. Ebor. not. pub. ap. for life 14th Oct. 1626. Ibid. p. 94.—Confirmed by dean Hunt and the chapter 14th Oct. 1626.

Attorney-general.—Will. Smith, arm. fee 100s.——Randal's MSS.

* Fuller's Worthies. † Le Neve, p. 117.

‡ Letters Test. p. 118.——Le Neve.

the deanry on the 10th of December 1610.* In the year 1615, Robert Carre earl of Somerset, on suspicion of being guilty of the murder of Sir Thomas Overbury, was committed to his custody before he went to the Tower. In the year 1617, he was promoted to the bishopric of Lincoln, on the translation of bishop Neile to Durham: In 1618, he assisted at the consecration of Futherby bishop of Sarum: In 1619, was appointed almoner to the king, in the place of Andrews bishop of Winchester, who resigned against his will: In October, that year, he entertained the king sumptuously at his house at Bryden: On the 4th of June 1620, his majesty kept his Whitsuntide at Greenwich, and received the sacrament from bishop Andrews and our prelate, then lord almoner, when he preached his first sermon before the king: On the 9th of July, the bishop assisted at the consecration of Towson bishop of Salisbury; and in March following, the bishop of Winchester and bishop Monteigne, in the name of the assembly, presented a grant of subsidies, passed by the clergy of the province of Canterbury, to the king at Hampton-court. In the year 1621, our prelate was translated to the See of London; in which year he assisted at the consecration of Williams bishop of Lincoln, Valentine bishop of Exeter, Davenant bishop of Salisbury, and Laud bishop of St David's; archbishop Abbot being then thought irregular for casual homicide.

Bishop Monteigne was under the unhappy influence of the times, and did not escape censure: He shewed his principles whilst bishop of London, by his readiness to licence publications of a tendency favourable to the unpropitious projects of the court. A sermon, preached by Dr Sibthorpe at Northampton assizes, wherein the royal prerogative was unconstitutionally held forth, was presented by the king's authority to the archbishop of Canterbury to be licensed for publication,† which he refused. Rushworth says,‡ "It was carried to the bishop of London, who "gave a great and stately allowance of it; the good man being "not willing that any thing should stick which was sent unto "him from the court, as appeareth by the book which is com-"monly called The Seven Sacraments, which was allowed by "his lordship with all the errors, which since that time have

* Having a great desire to be master of Queen's college, Cambridge, to obtain it he made great promises, and gave a very goodly piece of plate thereto, with this inscription, *Sic incipio;* but being disappointed, by the election of Dr Davenant, he vowed it should be *sic desino:* But notwithstanding his displeasure, he was afterwards so well reconciled to the college, as to found two scholarships therein.——Clarke's Martyrology, in the life of Dr Preston, p. 83.

† Rushworth, vol. i. p. 436. ‡ Vol. i. p. 444.

"been expunged and taken out of it."* Collier mention another work, where his licence was generally condemned.†

But whilst we record the failings of this prelate, let us not forget the meritorious part of his character. When bishop of London, he laboured with great zeal to promote the building of St Paul's church, and contributed a large sum of money, out of his revenue, towards that noble work, procuring Portland stone for the edifice. He was one of the bishops appointed by the king to draw up a form of prayer and thanksgiving, to be used on Sunday the 29th of January 1625, in London, Westminster, and places adjacent, and on February 19th in all other places in the kingdom, on account of the plague ceasing. Whilst bishop of London, he would often pleasantly say, that of him the proverb would be veried, "Lincoln *was*, London *is*, and York *shall be* :" Which really came to pass; a series of preferments through which no other prelate so methodically passed.‡ On the 9th of October 1627 he was appointed with others to exercise archiepiscopal jurisdiction during the sequestration of archbishop Abbot: In the same year he assisted at the consecration of Hall bishop of Exeter; and soon after was translated to Durham, and from thence to York.‖ He possessed the archiepiscopal dignity a very short time. Le Neve says, "the month and day of his death

* "But before this passed the bishop's file, there is one accident which fitly cometh in to be recounted in this place. My lord of London hath a chaplain, Dr Worral by name, who is a scholar good enough, but a kind of free fellowlike man, and of no very tender conscience: Dr Sibthrop's sermon was brought to him, and *handed over head* as the proverb is; he approved it, and subscribed his name to it: But afterwards, being better advised, he sent it to a learned gentleman of the Inner Temple, and writing some few lines unto him, craveth his opinion of that which he had done; the gentlemen read it, but although he had promised to return his judgment by letter, yet he refused so to do, and desired that Dr Worral would come himself; which being done, he spake to this purpose: What have you done? you have allowed a strange book yonder, which if it be true, there is no *meum* or *tuum*, no man of England hath any thing of his own: If ever the tide turn, and matters be called to a reckoning, you will be hanged for publishing such a book. To which the doctor answered, Yea, but my hand is to it; what shall I do? For that the other replied, you must scrape out your name, and do not so much as suffer the sign of any letter to remain upon the paper,—which accordingly he did, and withdrew his finger from the pye. But what the chaplain well advised would not do, his lord without sticking accomplished; and so being insenbibly hatched, it came flying into the world.——Rushw. Col. vol. i. p. 444.

† Dr Cosin's Collection of Private Devotions.——Collier, vol. ii. p. 742.

‡ Le Neve, p. 124.

‖ 1627, 3 Cha. I. De licentia eligendi prø e'po Dunelm.——Rym. Fœdera, vol. xviii. p. 969.

——————— Keeper of the great seal, Durham, for Rich. Hutton——— Ibid. 989.

——————— Henry Rayne, keeper of Marwood, Hagg, manor of Barnard-castle.——Ibid. p. 991.

are not remembered :" But in the History of the Church of York it is alledged, that he departed this life on the 6th day of November 1628, and was buried in the chancel of the church of Cawood. His brother Isaac executor of his will, erected a monument to his memory in the north wall of the chancel, with his bust in the episcopal habit, and the inscription given in the notes,* now much decayed, and scarcely legible, was composed by Hugh Holland, a poet of that age.

* Quatuor antistes qui præfuit urbibus, arce§
Hac satus est infans, hac situs arce senex.
Nec mera provexit geminorum gratia regum,
Sed meritum, summis par ubicunq. locis :
Sic juvenis, sic pene puer septem imbibit artes,
Granta ubi *Castaliis* prædominatur aquis.
Moribus haud tetricis, nec pectore turpis avaro,
Non etenim nimias pone reliquit opes.
Hugo Hollandus flevit

Georgio Montaigneo,
Honestis hoc in oppido penatibus oriundo, Cantabr. per
Cunctos Disciplinar. gradus provecto, et academiæ
Procuratori ;
Sub initio D. Jacobi hospitio quod Sabaudiam vocant,
Et Ecclesiæ Westmonasteriensi præfecto ;
Ab eodem R. ad præsulatum Lincolniensem, ac inde post
Aliqua temporum spiramenta Londiniensem promoto,
A Carolo Divi F. ad Dunelmensem honestiss. senii et
Valetudinis secessum translato ;
Moxq. H. E. infra spatium trimestre ad archiepiscopatum
Eboracensem benigniter sublevato :
Viro venerabili, aspectu grave, moribus non injucundis, ad
beneficia non ingrato, injuriarum nec ultori unquam, nec
(quantam natura humana patitur) memori. Amborum principum
D'ni suoq. semper elemosinario.
Isaac Montaignus tetamenti
Curator, fratri, B. M. P.
Vixit A. 59, M. 6, D. 2.

This inscription gives no light to what has been reported of him. The inhabitants of Cawood, by tradition, shew the house where he was born, and tell us that his mother was a beggar woman, who travelling with her son George to Lincoln, seemed to follow her occupation in that city and the adjacent villages ; but the lad carrying the bag, and one time eating more than what his mother was willing to allow, ran away from her, fearing a severe correction ; when, coming to a gentleman's house in the neighbourhood of Cawood, he took compassion on him, first ordered him to attend his kitchen, and perceiving his bright parts, gave him an equal education with his son, which put him in the road to ecclesiastical preferment. In process of time he became bishop of Lincoln, and made enquiry for his mother, who happening to open a gate through which his lordship was to pass to that city, recognised and tenderly embraced her, and ordered that care should be taken of her during life. When the See of York became vacant, many were the candidates that put up for it. The king being in suspence to whom to give it, sent to Monteigne to ask his advice, how to clear the difficulty. The bishop modestly answered, " If his majesty had faith as a grain of " mustard seed, he might say to this Mountain, be thou removed into the sea, and it

§ MS. Visitat. Co. Ebor. in Col. Armor. Lond.

Mr Torre mentions a nuncupative will made by him, whilst bishop of London, on the 12th of February 1626, which his brother piously performed, whereby he bequeathed 100*£*. amongst the poor of Cawood, and four rings to four little girls whom his lordship had used to call his wives; all the rest to his brother, whom he made sole executor.*

On the 28th of September 1628,

JOHN HOWSON, S. T. P.

then bishop of Oxford was translated to Durham: He was enthroned on the 16th of December, and received restitution of the temporalities on the 25th of that month. Our prelate was born in St Bride's parish, London, and educated at St Paul's school; was a student and canon of Christ-Church, Oxford, vicar of Brampton in Oxfordshire, rector of Brightwell in Berkshire, a fellow of Chelsea college, and canon of Hereford. When vice-chancellor of Oxford he exerted himself against Calvanism, and was afterwards a distinguished writer and preacher against popery. He appears to have entered the lists against Bellarmine and his friends, with determined resolution, declaring, "That he'd loosen the pope from his chair, though he were fastened thereto with a tenpenny nail." King James commanded his polemical discourses, which are the most considerable of his works, to be printed. He held the See of Durham only two years; died on the 6th of February 1631, aged 75, and was interred in St Paul's church,

"would obey." The king replied, "Miracles were ceased, and what had faith to do "in this point?"—"To convince your majesty to the contrary, (said the bishop) be "only pleased to say to this Mountain, (pointing to himself) be thou removed into "yonder See, (alluding to York) I am sure your majesty will forthwith be obeyed." The king smiling, and taking the hint, "Why then, Mountain, (saith he) I will remove thee;" and accordingly sent him down lord archbishop.——Gent's Hist. York. p. 82.——*Credat Judæus Apella!*

* Proved 10th Nov. 1628. In cur. prærog. Lond.—Barrington, p. 96. Gray's Notes—Heylin's Life of Laud, p. 165.—Newcourt's Rep. vol. i.—Ath. Ox. vol. i. p. 731.—Fuller's Worthies Yorkshire, p. 199.—English Worthies, p. 891, Browne Willis.

The See vacant.
Will. Bellasis, knt. high-sheriff. ap. 22 Mar. 1627.
Rich. Hutton, temporal chancellor.
Edw. Lively constable of the castle.

GEORGE MONTERGNE, S. T. P. bishop of London.
Elected 3d March, 1627.
Translated to York 26th June, 1628,

Officers of the See in the time of bishop Monteigne.
Temporal chancellor.—Rich. Hutton.
Constable of the castle, Edw. Lively.
Randal's MSS.

London. In this short period we find no memorable acts in the records of the palatinate.*

On the 8th day of March, 1631, the king granted a commission *ad colligend. et recipiend. reddit. &c. temporal. e'patus et ad dimittend.* for receiving the revenues of the temporalities, and managing the same: It was not till the month of June, 1632, that

THOMAS MORTON, S. T. P.

then bishop of Litchfield was translated to this See: He had leave to receive confirmation within the province of Canterbury on the 29th of June,† and accordingly was confirmed in the chapel belonging to Durham-House, London, on the 2d of July; received restitution of the temporalities on the 12th of that month; and was enthroned on the 20th. ‡

In Barwick's Life of this prelate, we are told, "That his coat "of arms and pedigree shew him to be of the same original and "stock with that eminent prelate and statesman John Morton, "bishop of Ely and lord chancellor of England, afterward arch-"bishop of Canterbury, and cardinal in the reign of Henry VII. "by whose management the two houses of York and Lancaster "were united: From whence it may be concluded, his ancestors "could not be obscure, at least since this cardinal's time; for such

* L. Gray's notes.—Ath. Ox. vol. i. p. 562.—Fuller's Worthies, (London) p. 207.—His Visitation Articles, anno 1629.——His daughter Ann married Tho. Farnabie the famous schoolmaster, 2, A. O. 105, from whom descended Sir Cha. Farnabie, made a baronet A. D. 1726.

1628, 4 Cha. I. De licentia eligendi pro e'po Dun.—Rym. Fœd. vol. xviii. p. 1027.

——— De restitutione temporalium pro Joh. Howson, ep. Dun.——— Ibid. p. 1058.

John Howson, S. T. P. bishop of Oxford.
Translated to Durham, 28th September 1628.
Temporalities restored, 25th December 1628.
Ob. 6th Feb. 1631, ætat. 75.

Officers of the See during the time of bishop Howson.

High-sheriffs,—Will. Bellasys, knt. ap. 6th Nov. 1628. Timothy Comyn, Chr. Hall, Will. Collingwood, under-sheriffs.—Three gaol-deliveries.— 1. p. Rich. Hutton, mil. 1631, duo suspensi; 1634, nulli suspensi fuerunt; 1636, 6. suspensi.

Escheator,—Tho. Swinbourne, esq; ap. 6th Nov. 1631; confirmed by D. Hunt and chap. 9th Nov. 1631. Reg. Hunt.

Temporal Chancellor,—Rich. Hutton.

Constable of the castle,—Edw. Lively.

Senescal,—Joh. Parsons, serviens e'pi, ap. for life 30th Jan. 1630; (Rot. Howson, N° 58) confirmed by D. Hunt and chap. 21st July 1631.

Attorney-general,—John Richardson, arm. consil, ad legem, during pleasure.

Solicitor-general,—Hugh Wright, arm.———Randal's MSS.

† Reg. Abbot. ‡ Reg. Ebor.

" persons as he seldom left their kindred without considerable " preferments. Undoubtedly he was descended from Thomas " or John Morton, whom the cardinal made his heirs, as being " sons to two of his brothers. Certain it is that Sir Thomas " Morton of Dorsetshire, who reckoned his descent from one of " them, sought out our prelate, acknowledged his kindred, and " desired his acquaintance." He was the sixth of nineteen children of Mr Richard Morton, mercer and alderman of York, by Elizabeth Leedale, his only wife. Barwick says, " She was a " gentlewoman of a very good family, descended from the Val- " vasors by the mother's side, and not only the Valvasors but the " Langdales also; and other gentlemen of eminent worth in " Yorkshire acknowledged themselves to be of his kindred." He was born in York on the 20th of March, 1564; educated first in that city, and afterwards at Halifax: In the year 1582 he was sent to St John's college, Cambridge, and put under the tuition of Mr Anthony Higgins, long after dean of Ripon, and a good benefactor to the college; who quitting the university for church preferment, left Mr Morton under the care of Henry Nelson, afterwards rector of Hougham in Lincolnshire, who lived to see his pupil advanced to the See of Durham, and many years after. In the beginning of November, 1584, he was elected scholar of the house, into a place of Constable's foundation, peculiar to his own native county of York: In 1586 took the degree of bachelor of arts, and that of master in 1590, having performed all exercises requisite for each degree with great applause. He continued his studies in the college, at his father's charge, about two years after he was made master of arts; and on the 17th of March, 1592, was admitted fellow into a place of Dr Keyton's foundation, merely on account of his merit, against eight competitors: About the same time he was chosen logic-lecturer for the university, which office he discharged with great ability and diligence, as appears by his lectures fairly written, which were found among his papers, after his decease: In the same year, 1592, he was ordained deacon, and the year following priest, by Dr Howland, bishop of Peterborough: For about five years after this he continued in the college, prosecuting his private studies, and instructing his pupils: He took the degree of bachelor of divinity in 1598, and about the same time obtained the rectory of Long Marston near York, which was procured for him by his father. But his great parts and worth would not suffer him to lie hid in a country cure; for the earl of Huntingdon, lord president of the council of the north, soon made him his chaplain, on account of his acute disputations with the Romish recusants;

queen Elizabeth having given express command to the earl, to convince them by arguments, rather than suppress them by force, expressing upon this occasion *nolo mortem peccatoris.* Upon the death of the earl, Morton returned again to his privacy at Marston, where he continued no long time before the lord Sheffield, who succeeded as lord president, commanded him to hold a public conference, before his lordship and the council at his manor house at York, with two Romish recusants, then prisoners in the castle, which he performed to the great satisfaction of his numerous auditors. In 1602, the plague raging violently at York, he behaved himself with uncommon courage and great charity towards the poor, sick, and distressed: The infected of the lowest class being turned out of the city, had booths erected on Hobmoor, to whom he often repaired from Marston, to preach and minister consolation to their languishing souls: To relieve the poorest, he carried meat in sacks; but as often as he went thither, he suffered no servant to attend him, saddled and unsaddled his own horse, and had a private door made through the wall of his study, which was in the most distant part of his house, lest infection should be brought to his family. In the same or the following year, Ralph lord Eure being appointed by the queen ambassador extraordinary to the emperor of Germany and the king of Denmark, took him for his chaplain, together with one Richard Crakenthorp, another very learned person, a native of Strickland in Westmorland: Morton, desirous of improvement by seeing foreign countries, readily accepted the employment. Whilst the ambassador staid at Bremen, he obtained leave to visit some of the chief cities and universities in Germany, which introduced him to the knowledge and acquaintance of several learned men. His stay in those parts was the shorter, because the ambassador's commission determined with the death of the queen: However he improved his time so well, partly in furnishing his own library with books at Frankfort and elsewhere, but chiefly in his conversation with learned men, and the observations he made, that he always highly valued that opportunity. At his return he was appointed chaplain to Roger earl of Rutland, which appointment he liked, not only for the sake of the privacy, but also because it brought him so much nearer London than his former station. In 1606 he took the degree of doctor in divinity, which brought him to the acquaintance of Dr John Overall, regius professor at Cambridge: About the same time he was sworn chaplain in ordinary to James I. and by him presented to the deanry of Gloucester the 22d of June, 1607, through archbishop Bancroft's re-

commendation: Whilst he held that deanry, the lord Eure, then lord president of Wales, nominated him one of his majesty's council for the marches: On the 12th of July, 1606, he was incorporated doctor of divinity in Oxford: After continuing about three years dean of Gloucester, he was removed to the deanry of Winchester, into which he was installed the 3d of June, 1609; and Dr Bilson then bishop of Winchester collated him to the rectory of Alresford: About the same time, Dr Sutcliffe, dean of Exeter, founded a college at Chelsea, for a certain number of divines, to be employed in answering the books dispersed by popish emissaries; of which our learned doctor was appointed a fellow. On the 21st of July, 1610, archbishop Matthew made him a prebendary in the church of York: The same year he preached a sermon before the convocation at St Paul's on Matt. v. 13; and was to have been chosen prolocutor of the lower house, had he not declined it to make room for a friend. These, and the like public employments bringing him frequently to London, he lodged at the deanry-house of St Paul's, upon the invitation of Dr Overall, then dean of that church; where he became acquainted with the learned Isaac Casaubon, who was entertained and patronised by the same worthy dean; and it was at Dr Morton's charge that a monument was erected in Westminster abbey to Casaubon's memory. In the beginning of the year 1616, our learned doctor was nominated bishop of Chester, and consecrated the 7th of July that year. Dr Barwick says, the king nominated him in the year 1615; and insinuates, as if through an obstacle that arose, and the new prelate's indifference, it was a long time before he was consecrated; that is, about a year and a half: But it appears from Browne Willis to be a mistake, as bishop Massey only died in the preceding month of January. He held the rectory of Stopford *in commendam* with his bishopric: He went to his See as soon as convenience permitted, where he was well received; and there used all possible endeavours to reconcile the nonconformists, and persuade the recusants: He got the offensive Sunday sports repressed, under which the Sabbath had been abused to the great scandal of religion: On the 6th of March, 1618, he was translated to the See of Litchfield, holding with it *in commendam*, the rectory of Clifton Camvil: About that time he became acquainted with Antonio de Dominis, archbishop of Spalatto, who having renounced the communion of the church of Rome, was come over and preferred in England. He used all the means he could to dissuade that inconstant prelate from returning back to Rome. Whilst he continued in that See, he was concerned in two remarkable occurrences; viz. detecting the

imposture of the boy of Bilson, who pretended to be possessed of an evil spirit; and a poor woman, being condemned to die for witchcraft, was saved from execution by our good prelate's discovery of the fraud.

On the 2d of July, 1632, bishop Morton was translated to the See of Durham;* in which high and opulent station, he behaved not only with remarkable moderation, justice, and equity, but also with the most extensive beneficence and charity: He was enthroned at Durham on the 20th of July, and on that occasion gave 20£. to the library belonging to the dean and chapter. His conduct in regard to the rights of this See was singularly benevolent: As to fines on the renewal of leases, he never intermeddled in settling them himself, but referred the business to four gentlemen in the neighbourhood, to make a moderate com-

* 1632, 8 Cha. I. Licentia eligendi episcopum concessa decano et cap. Dun. regius assensus pro Thoma Morton episcopo Dunelmen. electo; restitutio temporalium pro eodem.——Rym. Fœdera, vol. xix. p. 430.

——————— Bishop Morton appointed lieutenant of the county of Durham. ——Ibid. p. 432.

1633, 9 Cha. I. Prices of all kinds of Poultry.——Ibid. p. 512.

1635, 11 Cha. I. Order ship-money, Durham county.——Ibid. p. 668.

——————— Sir Hen. Vane master of forests in the lordship of Barnardcastle.——Ibid. p. 768.

1636, 12 Cha. I. Order for ship-money, Durham, Hartlepoole, Sunderland and Stockton.——Ibid. vol. xx. p. 66.

1637, 12 Cha. I. Mich. Crake, water-bailiff, Sunderland.——Ibid. p. 200.

1645, 21 Cha. I. Garrisons in the north, Newcastle, Hartlepool, Stockton.——Ibid. p. 553.

1640, 16 Cha. I. cap. 13. Table private acts for the assuring of a messuage called Durham House, alias Durham House and certain stables, part of the possessions of the bishop of Durham, situate in the parish of St Martin in the Fields, in the county of Middlesex, upon the right hon. Philip earl of Pembroke and Montgomerie and his heirs, and a yearly rent of 20l. per ann. to the said bishop of Durham and his successors in lieu thereof.

A. D. 1635, 11 Char. I. Dunelm. Rex, &c. vicecomiti comitatus nostri Dunelmensis, majori aldermanis et communitati civitatis Dunelmensis et Framwelgate, ac probis hominibus in eadem civitate et membris ejusdem, et in burgis sive villis Hartlepoole, Stockton, et Sunderland, et in omnibus aliis burgis, villis, villatis, hamlettis, et aliis locis in dicto comitatu Dun.—These are to be charged with one ship of 200 tons, manned with fourscorce men, and double equipage, with munition, wages, and victuals.——Whitlock's Memoirs.

The taxation is a curious instrument, and is distributed to the respective wards in the sequel.

Gray's Notes.—His Life, written by Dr Barwick, 4to. and printed 1660, with his funeral sermon.—Sir H. Yelverton's Pref. to bishop Morton's book concerning episcopacy.—His life was also written by Dr Jos. Naylor, his chaplain and secretary; Rich. Baddily, and Clement Barksdale.—Walker's History of suffering clergy, p. 2, 17, 20.—Lloyd's Memoirs, p. 436.—Fuller's Worth. York, p. 229.—Eng. Worth. p. 915.—1 Ath. Ox. f. 175.—Browne Willis's Epitaph.——He bequeathed his chalice to All Saints church, York.—He regained to the church of England, from popery, Theo. Higgons.—2 Ath. Ox. p. 241.

position between him and his tenants:* In wrecks, he took such a small sum of the sufferer as was scarce worthy the name of a composition, having no other aim than to preserve the right to himself and successors, and assist the distressed person in the preservation and recovery of his goods from the rapacious multitude: In deodands, where any man was *felo de se*, though by law the whole estate was confiscated *in detestationem criminis*, to deter others from committing the like horrid offence; yet was he so compassionate as not to exceed a fourth part of the estate in the composition, after the most moderate valuation: Wardships, which then also belonged to the bishop of Durham, were managed with such tenderness, care, and moderation, within the liberties of this county palatine, that none had cause of complaint. His acts of charity were extensive; at Durham, besides his daily alms to the poor at the castle gate, he gave as many gowns of blue cloth to certain poor men as he had been years bishop of Durham, with their diet in the hall four days in the week. He maintained several poor scholars at the university; and there seldom came any scholar to him, either Englishman or foreigner, whom he did not receive and entertain with free hospitality, and dismiss with a considerable gift in money, proportionable to his parts and merit.† To the library of St John's college he gave books to the value of four or five hundred pounds, with an intention at last to bestow 100*£*. a year upon it whilst he lived. Out of an old decayed chapel at Bishop-Auckland he erected a grammar-school, which he endowed with 24*£*. a year for ever. Besides other instances of his beneficence and generosity, he rendered up to one Mrs Place of Hurworth, whose husband had committed suicide, the whole forfeited estate, then valued at 2000l. receiving no more than 50l. on that occasion as an acknowledgement of his right, which he distributed to his domestics. In his first visitation he forgave one Mr Edward Moore 300l. in which he had been fined for a riot at the preceding assizes at Durham. He purchased no temporal possession, notwithstand-

* But it must be remembered in honour to the late bishop Morton's memory, that there doth not appear any grants from him to his relations; and it is certain, that when he had occasion to remove from this See to London, he generally left commissions, under his hand and sign manual, with Sir Wm Bellasyse and other gentlemen of the county, to settle terms with his tenants for renewal of leases, and to determine all differences betwixt him and his tenants, to prevent all misrepresentations and impositions either of his stewards or servants. He lived nobly and hospitably, gave great charities, and generally had 20 or 30 young gentlemen of good families in his household, whom he educated and preferred.——Spearman's Enq. p. 42, &c.

† He gave no preferment in Durham to any but such as were or had been his chaplains, and perfectly well known to himself; except to Maxton in the 8th stall, and Weems in the 2d stall, both being recommended by Cha. I.——Gray's MSS.

ing his plentiful income; but as his revenues increased so were they spent in hospitality, charity, and other christian uses. He set about augmenting the small livings in his gift, and encreased the stipend of the minister of St Andrew, Auckland, from 16l. a year to 80l. and the chapels belonging to it from about 6l. to 30l. intending to do the like, in some proportion, through the rest of his diocese, had he not been hindered by the iniquity of the times and opposition of impropriators, &c.* He prosecuted in the court of delegates his claim for dilapidations within this diocese, and recovered against archbishop Neile, in the year 1634, no less than 500l. with 50l. costs of suit, notwithstanding the decorations and improvements that prelate had made at Durham and Auckland; also, 60l. was paid him by the representatives of bishop Howson. By the sentence pronounced in the before-mentioned cause, the castle of Crake, the houses of Wheelhall, Howden, Northallerton, and Middleham, Westgate in Weardale, the tower called the High Tower, within the castle of Durham, and some edifices in Bishop-Auckland, were decreed from thenceforth to be discharged from all account of delapidations. On the 18th of November, 1635, he exhibited a petition to the king in council, (his jurisdiction having been interrupted by rapacious court minions) setting forth, "That the bishops of Durham, before and since the conquest, had a county palatine and *jura regalia* by prescription, and appointed their sheriffs; that all writs from Westminister were directed to the bishop, and in the vacancy to his chancellor, and were returnable by the bishop; that the sheriffs of Durham attended not, nor accounted in the exchequer, and prayed they might not:" Which matters were referred to and considered by the judges; and it was ordered that the bishop or his under-sheriff should only account before the auditor, and pay the fees due for passing a ministerial account, and not otherwise.†

* Biog. Brit. vol. v. p. 3180.

† The sheriff of Durham's case for being freed from the apposals upon 'processe in the exchequr.—Ex quodam papyro penes C. Hunter, M. D. Gyll's MSS.

A. D. 1635. By an order made by the archbishop of Canterbury, the archbishop of York, the lord keeper, the lord privy seal, the lord Cottington, and the two secretaries of state (upon a reference to them by his majesty upon bishop Morton's petition) on hearing counsel for the king and the bishop, and after advising with the two lords chief justices, the lord chief baron, and justice Hutton, it is reported, that the county of Durham appeared to be a county palatine by prescription, and the bishop appointed the sheriffs.

Also, that the sheriff never was an attendant upon the courts at Westminster, nor returned any writs thither, he not being an immediate officer to those courts, but had only mandates from the bishop's chancery at Durham to execute the king's processe, and so returned the mandate back to the same chancery, and then the bishop returned the original processe into the courts at Westminster, they being directed only to the bishop.

In 1633, the king having resolved on a journey to Scotland, where he had a desire to be crowned, also with a design of holding a parliament to procure money, and, if possible, to reduce the kirk of Scotland to a perfect conformity with the church of England, bishop Morton entertained the king and his court, with their officers and retinue, at his castles of Durham and Auckland, which cost him 1500l. in one day. Rushworth, giving an account of this tour, says,* "He met with great reception by "the way, and sumptuous feastings at York, where he made some "stay; and at Raby castle, where Sir Henry Vane, his majesty's "late ambassador to the king of Denmark and Swedeland, nobly "entertained his majesty; and at Durham, several days that "bishop Morton most sumptuously entertained his majesty."

And by the stat. 27 Hen. VIII. cap. 24, those mandates are directed and warranted.

Also, by the statute 31 Eliz. cap. 9, the bishop is to have a deputy (and not the sheriff) in the courts at Westminster.

And it was further reported, that to oblige the sheriff to attend in the exchequer, would be an insupportable charge, and would discourage all men from taking the office of sheriff, the bishop not having any means to compel them to it, and thereby the liberties of the See would be lost and infringed. Wherefore the bishop and sheriff were freed from accounting or attending in the exchequer; but to account before the king's auditor for that county, and he to have a commissioner for taking the oath thereupon, and the charge, and the bishop to pay the fees of a ministerial account.

Which order was confirmed at the council board, and in the star-chamber and exchequer, and is enrolled there, Trinity, 1637.

And the practice hath gone accordingly ever since, and the sheriff was never opposed, either upon his account or returns, but they have been constantly allowed upon his general oath of office, and the oath upon his accounts. And the officers cannot produce one precedent against the sheriff of Durham, save in the late times when the county palatine was dissolved. And Mr Clement of the treasurer remembrancer's office, and Mr Burnet, of the pipe, have both certified for the sheriff, that he hath been constantly cleared from his apposals in both these sides, and only the king's remembrancer's side press for it.

A. D. 1662. By a privy seal, all this privilege and exemption is allowed and confirmed, and the sheriff is declared to be the bishop's officer, and only accountable to him, and therefore Sir Tho. Davison, sheriff, was freed from the recognizance entered for that office in the exchequer, upon the king's restoration.

The stat. 14 Cha. II. cap. 21, allows this privilege, and exempts the sheriff of Durham from accounting in the exchequer, but only before the auditor in the county, and the sheriff may as well attend and account in the exchequer as attend upon his apposals, at one charge and trouble. 13 & 14 Car. II. c. 21, s. 9.

Hillary, 1675. By order of the court of exchequer, the sheriff is discharged from his apposal, upon hearing his case and reasons aforesaid, till further orders.

A. D. 1666. By an order of the chancery at Durham, it is settled, that the sheriff only return his mandates into that chancery; and the cursitor, who is the bishop's deputy, that makes the mandates, is to return the processe to London: For it is repugnant to the sheriff to be approved upon a writt not directed to him, and all the writts from Westminster are directed to the bishop thus indorsed, "16th Aug. 1677°, Respited by my lord chief baron Montague and baron Littleton, till Trinity term next."

* Col. part ii. p. 178.

In the year 1634 the bishop granted a new foundation or charter to Sunderland, incorporating the burgesses there by the title of a mayor, twelve aldermen, and a common council, which will be particularly noticed in the course of this work.

We have now approached the æra of those civil broils, which filled the state with distraction under the reign of Charles I. the calamities of which times greatly affected this palatinate. The political and religious principles which were agitated by the contending parties are well known to every English reader. A war with Scotland took place. Part of the English forces were drawn down to the frontiers, under the command of lord Conway, general of the horse; whilst the main body of the army was encamped near York. The earl of Northumberland who was to command under the king, remained sick at London; and the earl of Strafford lieutenant-general, being a necessary member of the king's secret council, could not be absent from his majesty. Lord Conway advanced to Newcastle with an army of 3000 foot and 1500 horse; and there received intelligence, that the Scots, 22,000 strong, were preparing to enter England, under the command of Lesley: They passed the Tweed on the 20th of August, 1640, the very day the king set out from London; and marched to Newburn, on the banks of the Tyne, opposite to which place lord Conway had posted his troops, and thrown up lines and breastworks to command the ford. A skirmish ensued, for it could not be called a battle, and the Scotch army gained the pass. Lord Conway retreated precipitately through Durham, and joined the royal army; leaving Newcastle, with all the stores the king had collected there for the campaign, to the hands of the enemy. A panic seized the whole country. Possessed of Newcastle, the Scots presented a new memorial to the crown, full of moderation and temperance; and sent dispatches to the Londoners, to assure them the supply of coals should not be obstructed. A negociation speedily took place, and the commissioners met at Ripon, where certain articles were agreed upon, as preliminary to a treaty; among which was a provision for the maintenance of the Scotch troops, which had subsisted heretofore in violence, by foraging and contributions raised in Cumberland, Newcastle, and Durham. The sum of 850*£*. *per diem* was agreed to be levied out of Northumberland, Newcastle, and Durham; and if need required, Westmorland and Cumberland were to assist in raising the money: And this burthen continued till the definitive treaty was concluded on the 7th of August, 1641, when government stood indebted to this county in the sum of 25,663*£*. 13s. 10d.

in balance. Rushworth* tells us, that "On Thursday, September 3, there came a summons to Sir William Bellasis, knt. "sheriff of the county palatine of Durham, and Sir William "Lambton, knt. two gentlemen of good quality in the same "county, (the latter of which was afterwards at York battle, slain "fighting under the king's colours;) which summons was to appear before general Lesley, at his league at Newcastle, on "Saturday the 5th of September, by eight of the clock, signed "by Montrose, Rothes, and Lindsey; and accordingly they went "(having first obtained leave from the king to go) to the Scots "quarters for the good of the country; that summons was to "require the country to bring in provision to the Scots army, "upon payment of money in part, and security for the rest, or "otherwise they must take it without security.

"At this time Newcastle and the coalmines, that had wont to "employ 10,000 people all the year long, some working under "ground, some above, and others upon the water in keels and "lighters, now not a man to be seen, not a coal wrought, all "absconding, being possessed with a fear that the Scots would "give no quarter; 400 ships using to be there often at a time in "the river, not a ship durst come in; an hundred and odd coming to the mouth of the haven the day after the fight, and "hearing the Scots had possessed Newcastle, returned all empty, "and tradesmen in the town for some days kept their shops "shut; many families gone, leaving their goods to the mercy of "the Scots, who possessed themselves of such corn, cheese, beer, "&c. as they found, giving the owners thereof, or some in their "stead, some money in hand, and security in writing for the "rest, to be paid at four or six months end, in money or corn; "and if they refuse, said the Scots, such is the necessity of their "army, that they must take it without security rather than starve. "As for the city of Durham, it became a most depopulated place; "not one shop for four days after the fight open; not one house "in ten that had either man, woman, or child in it; not one bit "of bread to be got for money, for the king's army had eat and "drank all in their march into Yorkshire; the country people "durst not come to market, which made that city in a sad condition for want of food. At this time, a letter came from the "lord lieutenant general, to bury or break every upper millstone, "and drive and carry away all cattle and goods to a great distance, insomuch that most drove their cattle and sheep into "Yorkshire, and removed most of their families thither also.

* Part II. p. 1238.

"On the 29th of August, Dr Morton bishop of Durham, a "learned and moderate bishop had an account of the defeat at "Newburn, and that the king's army was retreating into York-"shire; whereupon the said bishop went to his castle at Stockton, "in the bishopric of Durham, standing on the edge of York-"shire, but he quickly removed thence into Yorkshire; but Dr "Belcanqual dean of Durham fled in great haste, because he "understood the Scots gave out that they would seize upon him "as an incendiary, for writing the king's large declaration against "the Scots; all the rest of the clergy of Durham fled away also, "and the Scots shortly after employed men to receive their rents, "and the rents of papists, for the use of the Scottish army.*

* By virtue of a commission from general Lesley, his excellency, and the rest of the right honourable lords, and others of the committee for ordering business for the Scottish army, directed to us Tobias Knowles and William Hamilton, gentlemen, to enquire and find out the rents, tithes, snd profits belonging to the bishops, papists, or any other associates, enemies to this army, and to take an inventory of their rents, goods, and profits whatsoever, and to chuse able men to assist us in this business: We understanding that Mr Geo. Grey and Mr Anth. Smith have been employed in business for the tenants of the dean and chapter of Durham, and understanding that the said tenants have rents in their hands due at St Cuthbert's day last, and rents that will be due at Martinmas next, with tithes and many other profits, &c. These are therefore, by virtue of the said commission, to require and charge you Mr Geo. Grey and Mr Anth. Smith, to enquire and search out all the rents, tithes, and profits belonging to the bishop of Durham, the dean and chapter, or any other associates or papists, enemies to this cause and expedition, and to give in their names, with a schedule or inventory of their goods, rents, and profits whatsover: And to warn all the tenants of the aforesaid parties, especially the tenants of the dean and chapter of Durham, for the rents, tithes, and profits which are due at St Cuthbert's day last, or any other former debts or sums of money due or to become due at Martinmas next by the tenants of Westoe, Harton, &c. &c. not to pay any rents to the aforesaid dean and chapter, nor to any of their receivers or officers, but towards the relief and maintenance of the army, as they will answer to the contrary: And those that shall refuse to pay the said rents, tithes and profits as aforessid and to set their hands thereto, we require and charge you to return their names in writing, with their places of abode, that such further course may be taken with them as shall be thought fit by the general. And of this fail not, as your will answer the contrary at your peril. Dated at Newcastle the 14th Sept. 1640.

TOBIAS KNOWLES. WILLIAM HAMILTON.

To the right hon. the lords of England, appointed commissioners for the present meeting at Ripon.

The humble petition of the tenants belonging to the bishop and dean and chapter of Durham

Most humbly sheweth,

That whereas they have paid to the Scots a great sum of money, that thereby the inhabitants within that county might be freed from any further trouble of the Scots, &c. that their army should make no waste or spoil in their country, nor to demand no more moneys to be paid to them till that time be expired: Yet so it is, may it please your honours, that the commanders for the Scots army have caused one Tobias Knowles, an Englishman, to send forth his warrants under his hand to divers parishes, thereby commanding the constables, greves, and officers, to pay to their collectors the

Such oppressions occasioned several petitions to be presented to the king, particularly one from the inhabitants of this county, which was as follows:

"To the king's most excellent majesty.

"The humble petition of the poor distressed inhabitants of "the county palatine of Durham,

"Who humbly shew,

"That since the eleventh of this instant September, they have "been under the burthen of a composition of 350l. per diem to "the Scotch army, which they were enforc't to pay, to preserve "their country from destruction: Since which time they have "further taken from them hay and straw, for which they pay "nothing; which altogether is so intolerable a burthen, as they "are no way able to bear it. Therefore their most humble suit "to your majesty is, that either by some directions from your "majesty to the lords now assembled, or by some other means, "as in your princely wisdom shall be thought most necessary, "this insupportable burthen may presently be removed; delay "being unto the country an unavoidable destruction. And "we, &c."*

rents due from your petitioners to the bishop and dean and chapter of Durham at Michaelmas next, and that they should pay the same at Bishopwearmouth, on Tuesday last, being the 29th of September last past, and they should have a sixth part abated; and if they did refuse to pay them that day, then they should pay all their rents to them the 2d day of October inst. without any abatement, at their perils. Their most humble suit is, that your honours would be graciously pleased to move the Scotch lords, that the poor tenants may be eased for paying the said rents, they being no way able, and the rents not yet due, and they not able to give them any discharge therefore; and that their officers may desist from further troubling the said tenants about the payment of the said rents. And they shall daily pray, &c. ——— Rushworth's Col. p. ii. p. 1272.

* Names of the committee for the county of Durham.

Sir Wm Bellasis, high-sheriff of the county palatine of Durham.	Jerrard Salvyn, esq.
Sir Thomas Tempest, bart.	Thomas Swinburn, esq.
Sir John Conyers, bart.	Nicholas Chaytor, gent.
Sir William Lambton, knt.	John Killinghall, gent.
	Richard Lilburne, gent.

These are named to be of the committee for the county of Durham.

Signed BRISTOLL.

An account of the payments and arrears for entertainment of the Scots army, by the county of Durham, from the 11th of September to the 16 of October, 1640.

Paid in money	£.8500 or thereabouts.
In hay and oats	200
The clergy behind, in the 1st, 2d, and 3d sesses ...	1000
The laity behind, in the 1st, 2d, and 3d sesses ...	2000
Sum is —	11,700
To this add the non-solvents for lands out of the book rates, personal estates, and impropriations	550
And it will make up the full payment of 350l. *per diem*, according to the agreement, and doth amount unto the full sum of	£. 12,250

The bishop remained a very short time in Yorkshire, taking his journey to London, where, as as he went to Westminster to attend in parliament, he was near being torn in pieces by the mob; some crying out to pull him from his coach; others opposed, saying, "he was a good man;" to which it was immediately replied, "but he is a bishop." He often declared afterwards that he believed he should not have escaped, had not a leading man in the tumult exclaimed, "let him go and hang himself," which diverted the inveterate purpose of the rioters. Collier says,* "the apprentices were drawn down to Westminster to assist the "faction and overawe the honest party. These auxiliaries came to "the parliament doors in great bodies, and cried "No bishops." "And for a further reinforcement, petitions to the houses came "up from several counties, setting forth, that the bishops were "a common nuisance; that the decay of trade, the clogging and "disappointing of all business in parliament, was occasioned by "the bishops. From thence they advanced to downright railing "and insulting their persons, and throwing stones at them, so "that they could not come to the lords' house, either by land or "water, without apparent hazard of their lives." One author has the following remark on the calamities which at this time afflicted the county of Durham: "As the first popish innovations "and superstitions, which lately overspread our whole church, "had their original from bishop Neile and his chaplain Dr "Cosins, at Durham; so God hath made that city and bishop-"ricke of Durham (the only county in England stiled by the "name of a bishopricke) the seate of our late war, wherein the "Scottish army now resides; to manifest to all the world, that "these unhappie civill warres sprung from the bishops, since the "seat of them is no where but in this bishopricke; the Scottish "general for the most parte hath kept his residence in the bishop "of Durham's own palaces, who for fear hath left them vacant, "and fled that country which he hath much oppressed." Such were the illiberal censures thrown out by the bigots of the times, who had reformed all religion into a drowsy vision.

In the month of March 1640–1, a bill passed the commons for removing the bishops from their seats in parliament, and on the 27th of May following it passed the house of peers. On the 15th of June the commons voted, that all deans, deans and chapters, archdeacons, prebendaries, chanters, canons, petty canons, and their officers shall be utterly abolished; that all the lands taken from deans and chapters shall be employed to the

* Vol. ii. p. 817.

advancement of learning and piety, provision being made that his majesty be no loser in his rents, first-fruits, and other duties; and that a competent maintenance shall be made to the several persons concerned, if such persons appear not to be delinquents.*

On the 30th of December, 1641, bishop Morton was accused of high-treason, and committed to the custody of the usher of the black rod, for joining with eleven of his brethren in a protestation against all the proceedings of parliament, since the 27th day of that month, and such as should be had during the time of their forced and violent absence.† The bishops were brought to the bar the evening of the day of their impeachment; upon which an order was made, "that the lord archbishop of York, "his grace the lord bishop of Durham, the lord bishop of Nor-"wich, &c. being charged of high-treason by the house of com-"mons, shall forthwith stand committed to the prison of the "Tower, until the pleasure of this house be further known." But by an order of the same day, the bishops of Durham, Coventry, and Litchfield, in regard to their age and ill health, had the favour of being remitted to the custody of the gentleman usher.‡ Collier says, the bishops' conduct seems fairly defensible; a man ought to fall with dignity and honour, and keep his mind erect, though his fortune happens to be crushed: This was the bishops' case and meaning; they were willing to save their privilege, and support their character; and for making so handsome a retreat, ought to stand commended upon record. About a fortnight after their commitment they were brought to the bar, to answer and plead to their impeachment; and answered accordingly, Not guilty. They continued without leave of bail till the month of May, and were not afterwards called upon.‖ Bishop

* Rapin.

† Vide protest at length, Collier, part ii. p. 818.—Commons Journal, vol. ii. p. 363.

‡ The excuse given by the bishop of Durham for signing the protest was as follows: "That this was the greatest misery that ever befel him, and what he did was not with any malicious or treasonable intent; but he going by chance to the archbishop of York's house about two days ago, he found some bishops there; and the petition signed by many of the bishops, and being desired to subscribe the said petition, he read it over, and took some exceptions to it, but he was drawn to it by inducements, or rather seducements, and he did subscribe it only to preserve his right in voting in parliament; and desiring their lordships to have pity upon him, being a man of great years.—Lords' Journals, vol. iv. p. 498.

‖ In the arguments of Hutton and Goke against ship-money, 1641, is stated a case, (Mich. 14 Edw. II. 1060) being an action of trespass for breaking his chest, and taking away 70l. on not guilty, the jury found specially, that the Scots having entered the county of Durham with an army, and making great burning and spoils, the commonalty of Durham met at Durham, of whom the plaintiff was one, and agreed to send some to compound with them to depart, and were all sworn to perform what compotition should be made, and to perform what ordinance they should make

Morton returned to his palace of Durham house, attending his devotion and studies, being much straitened by the sequestration of his revenues, which took place in consequence of the impeachment, and was not taken off upon his being permitted to go at large. He enjoyed his liberty and retirement till the year 1645, but his palatinate suffered much in the civil broils. The Scottish army was put in motion the beginning of January 1643–4, notwithstanding the rigour of the season. The marquis of Newcastle, who commanded for the king in the north, arrived at Newcastle on the 2d of February, with a few troops, not sufficient in number to oppose the invaders in the open field. The Scottish general in vain summoned the town to surrender; and the attillery not coming up to enable him to proceed in a siege, he passed the Tyne on the 28th, at the fords of Ovingham, Bywell, and Altringham, leaving a sufficient force on the north of Newcastle, to keep the garrison in awe. The English skirmished frequently with the enemy, but without any considerable effect, and at last retired to Durham, where the marquis received intelligence of the defeat of the royal army commanded by Bellasis at Selby; at the same time a detachment of the Scottish army, left to watch his motions at Newcastle, appeared within two miles of Durham, which occasioned him to evacuate that city, and retreat with the utmost expedition towards York.

On the 8th of April 1645, the good old bishop's retirement was broken into, and he was committed to the custody of the serjeant at arms,* or (according to others) to the Tower, for refusing to deliver up the seal of his county palatine.†

in that behalf, and thereupon they compounded with the Scots for 1600 marks: And as it was to be paid immediately, they consented that the defendant and others should go into every man's house, to search and take what ready money was there for the making up that sum, and that it should be repaid by the commonalty of Durham: And thereupon the defendant did enter into the plaintiff's house, &c. Judgment was given for the plaintiff; but on a writ of error was reversed in the King's Bench.

* Commons Journal, vol. iv. p. 103.

† Or rather for having baptized a daughter of the earl of Rutland according to the form in the common Prayer Book.——Vide Barwick, p. 107.

The See vacant.

Will. Bellasis, knt. ap. high-sheriff 21st Feb. 1631.
Tho. Swinhurne, esq; escheator.
Rich. Hutton, temporal-chancellor.
John Parsons, esq; senescal.
Tho. Tempest, esq; attorney-general.
Tho. Morton, S. T. P. bishop of Litchfield, elected.
Confirmed 2d July, 1632.
Temporalities restored 12th July.
Leave to be confirmed in prov. of Cant. 20th June, 1632.
Ob. 22d Sept. 1659, æt. 95.

Barwick's account of this matter is to the following effect: "It was represented to the house of commons, as a matter of "much prejudice to their affairs, that he should have still in his "custody the seal of the county palatine of Duresme: The house "hereupon sent a committee of their own members to demand "it;* and the answer he returned was in the negative; and he "desired the interposition of the house of peers (for it was while "they sat) for their fuller satisfaction; which they rightly inter- "preting to be an appeal, from those who were not his compe- "tent judges to those that were, sent for him by the sergeant at "arms, to appear at their bar; which he did, and made it evident "to them, 1st, That it was not a seal transmitted from bishop to "bishop successively, but one that had his own arms and impress "cut upon it. 2dly, That to part with it could not but be of "great prejudice to several persons within the county palatine "of Duresme, whose estates depended upon it, both by way of "of patents for offices and leases for lands. He added also, 3dly, "That it might be prejudicial to himself and successors, and to "the person by whom he received the power to make it.——He "was dismissed." He continued about six months a prisoner, and upon his release withdrew again to Durham-house. When the revenues of his See were wholly taken from him by parliament, on the 10th day of May 1646, they voted him 800l. a-year for life; a sum much superior to any thing allowed his suffering

Officers of the See during bishop Morton's time.

High-sheriff,—Will. Bellasis, knt. ap. 12th July, 1632; ob. 3d Dec. 1641, æt. 48.

Escheator,—Tho. Swinburne, esq; oc. 1643. He was the last escheator. The office was extinguished by the statute which took away wards and liveries.

Temporal-chancellors,—Rich. Hutton. He died at Serjeant's Inn, and was buried at St Dunstan's in the West, 27th Feb. 1638. His reports were published in fol. 1656, and again 1682.

Rich. Dyott, mil. unus de concilio p. honorabili regis in partib's borialib's constitutus canc. ap. castrum Dun. 2d Mar. 1638. Confirm. p. dec. Balcanquall. et capit. 20th May, 1639; died 8th Mar. 1659, and was buried in St Mary's church, in Litchfield.

Senescal,—John Heath, de civitate Dun. esq; ap. for life 25th Apr. 1635. Confirmed by dean Hunt and chapter 12th May, 1635.

Anth. Pearson, esq; during the usurpation. In 1657, when the possessions of the See were sequestered, and a great part of them were in the hands of Arth. Haslerige, bart. Pearson was steward or senescal of the halmot or copyhold courts.

Registraries,—R. Newhouse oc, Thome e'pi reg'rarius alone 3d Feb. 1635. E. reg'o Neile, p. 120.—Robt Newhouse p'ris sui oc. 13th Apr. 1642. Ibid. p. 110.

Rich. Newhouse oc. registrary 6th Aug. 1659. He died in September, and was buried at Bow church in Durham 19th Sept. 1668. E. par. reg. Bow.

Attorney-general,—Tho. Tempest, arm.

Solicitor-general,—John Richardson, arm. 1632.——Randal's MSS.

* Commons Journals, vol. iv. p. 529, 549.

brethren.* Whilst he was able to subsist without it, he gave no attention to the order; but when his necessities grew pressing, and he was urged to look after it, he found the vote totally ineffectual, as it was not stated from whence or by whom the allowance was to be paid; and before he could procure an amendment of the order, to make the pension payable out of the revenues of his own bishopric, all the lands and revenues of it were sold, or divided among the harpies which hovered round the parliament-house. By the importunity of some of the bishop's friends, an order was obtained that he should have 1000l. in part, paid out of the treasury at Goldsmiths-hall: With this sum the prelate paid his debts, and purchased an annuity of 200l. a-year for life, upon which he subsisted: This annuity was at first granted by lady Saville in the minority of her son Sir George, and by him confirmed when he came of age. When the sale of bishops lands was resolved upon by both houses of parliament, old Sir Harry Vane came immediately to the bishop of Durham's house, and advised him to petition in time for his livelihood to be granted some other way than by the 800l. a-year formerly voted.† Being turned out of Durham-House by the soldiers when they came to garrison it, about the end of the year 1648, the earl and countess of Rutland invited him to Exeter-House in the Strand, where he became a part of their care and family for some short time. But being loth to live at the charge of others while he was able to subsist of himself, and thinking the country air might better suit with his declining years than that of the city, he went and lived with captain Thomas Saunders at Flamstead in Hertfordshire, and afterwards with Thomas Rotheram, esq; of Luton, in

* Commons Journals, vol. iii. p. 597.

† Ordered and ordained by the lords and commons, that the yearly sum of eight hundred pounds be continued and paid unto Thomas Morton, D. D. and late bishop of Duresme, or his assignee. And whereas the trustees, appointed by the parliament for the sale of bishops lands, are by the said ordinances appointed to collect and receive all the revenues belonging to and arising from the said late bishopric; the said trustees are hereby authorised and enjoined, fully to comply with the said former ordinance of the 18th of May, 1646, and in pursuance thereof, to pay unto the said Dr Thomas Morton, late bishop of Durham, or his assignee, out of the revenues of the said late bishopric, the arrears of the said eight hundred pounds per ann. granted by the ordinance, incurred and due since the passing thereof; as likewies duly, from time to time, the said yearly sum of eight hundred pounds, according to the clear and full intendment of the said former ordinance. And the acquittance of the said Dr Morton or his assignee shall be sufficient warrant and discharge to the trustees and treasurers for the late bishop's lands, for the issuing, payment, and receipt of the said sum of eight hundred pounds per ann. together with the arrears thereof, according to the tenor and intendment of the said former ordinance of the 18th of May 1646, and of this present ordinance.——Commons Journals, vol. v. p. 326, 328.

Bedfordshire. At last going to London with about sixty pounds, which it seems was then his all, he was overtaken on the road by Sir Christopher Yelverton, who, being known to the bishop, though the bishop was unknown to him, fell into discourse with him, and asked him who he was? The bishop replied, "I am that old man the bishop of Durham, notwithstanding all your votes;" (for Sir Christopher had too much complied with the times.) Whereupon Sir Christopher asked whither he was going? "To London," replied the good old bishop, "to live a little while, and then to die." On this Sir Christopher entered into further discourse with him, and took him home to his house at Easton Manduit, in Northamptonshire, where he became tutor to his son, afterwards the very learned Sir Henry Yelverton. On the death of Sir Christopher, his son Sir Henry, who had the affection of a most tender child for the good bishop, continued to support him till his death, which happened on the 22d of September 1659, in the 95th year of his age, the 44th since his being consecrated a bishop, and the 28th of his translation to the See of Durham.

Whilst we lament the sufferings of the prelate, we must not lose sight of the distracted changes which took place in the palatinate and See. The halmot court was usurped, and officers were appointed by order of parliament to exercise the duty of senescals.* The sheriffs nominated in like manner, accounted to the public treasury. Sir William Bellasis was appointed high-sheriff in the first year of bishop Morton, and continued in that office till his death, which happened on the 3d of December, 1640. A distringas was issued against his representative, and also against the representative of Timothy Cumin the under-sheriff, to bring in their accounts. The succession of sheriffs during the usurpation is inserted in the notes.† The ancient courts of law and judicature were suspended, and particular commissioners were appointed to sit on goal-delivery.‡ In the

* Halmot books from 1642 to 1649, ab. fol, 827 to 1450.

† Carolus, &c. executori Will'i Bellasis mil. nup. vic. com. n'ri Dun. Margaretæ Comyn viduæ executrici testi vel ultim. volunt. Timothei Comyn gen. nup. et o'ib's aliis ballivis et ministris ep'ius nup. vic. et v'rum cuilibet salutem. Precipimus vobis firmiter injungen. q'd im'ediate post receptionem hujus brevis vel notic. inde p. vos habuit o'ia et sing'la que in quadam ordine p. d'n's scaccarij n'ri apud Westm. xxvj die Junij a'o regni n'ri xvj° vos qualitercunq. concernen. faciatis p'impleates et exequamini et quilibet v'rum faciat. p'impleat. et exequatur juxta tenorem et effectum ejusd. ordin. cujus tenor præsentibus annexatur, &c. T. Thoma Trevor mil. ap. Westm. xxj° die Junii, &c. p. ordin. pred. et p. barones. Salmey.—Randal's MSS.

‡ Ordered, that it be referred to the judges now in town, and to Mr serjeant Jermyn, and Mr serjeant Greene, who are appointed to go the summer's circuit to Durham, to meet and confer together, how and in what manner fines, and common recoveries, and other assurances, and also the common justice of the kingdom, may be dispensed

years 1651 and 1652, acts were passed for holding assizes.* Fines on lands were levied in the court of common pleas at

and carried on in the said county palatine, as in other parts of the kingdom: And that the trustees, appointed by several ordinances for the sale of the lands and possessions of the late archbishops and bishops, on whom the said county palatine, and all jura regalia there, are estated, be desired to meet with the judges about this business. And the care hereof is particularly referred to Sir Henry Vane, Mr Wastell, and Sir Thomas Widdrington, or any two of them; who are to prepare and bring in an ordinance for the settling thereof accordingly.——Commons Journal, vol. v. p. 246.

High-sheriffs,—Will. Collingwood, esq; ap. 8th April, 1641. He took the oath of supremacy 17th Apr. before Tho. Tempest, bart. and Hugh Walton.

Will. Darcy, knt. ap. 16th Oct. 1641. This Sir Wm Darcy, of Witton-castle, in the county of Durham, being loyal to his king, was obliged to pay 1000l. composition money for his estate to the sequestrators, with 40l. per. ann. settled on the teachers of those times. He was the 2d son of Conyers lord Darcy. He had several sons; and a daughter, mar. to Sir Metcalfe Robinson, bart. member for York.

Will. Collingwood, subvic.

Gaol delivery by Rich. Dyott, knt. Oct. 1641, et duos suspensi.

1646. Geo. Vane, mil. p. ord. parl. W. Sedgewick, subvic. Nul. assiz. ap. Dun.

1647. Rich. Bellasyse, mil. Goal deliv. p. Mark Shafto, arm. Apr. and 6 suspensi. Geo. Kirby, subvic.

1648. Clem. Fulthorp, arm. Chr. Mickleton, subvic. Goal deliv. p. John Wastell de Scorton, and 9 suspensi.

1649. Will. Smith, bart. Theophilus Braithwaite, subvic.

1650. Jacobus Clavering, arm. Geo. Kirby, subvic.

1651. Tho. Shadforth de Appledon. Rich. Mathew, subvic. Goal delivery p. John Westall and serj. Turner, Jan. 1651; 3 suspensi, quor. duo p. sagia. 2.

1652. Chr. Fulthorp, arm. Lanc. Hilton, subvic.

1653. Fra. Wren de Binchester. Cuth Hawdon, subvic. Nul. assiz.

1654. Roland Place de Dinsdale. Geo. Kirby, subvic.

1655. Tho. Bewick, arm. John Lowther, subvic.

1656. Geo. Lilburn, arm. Geo. Kirby, jun. subvic. Geo. Lilburn, uncle to Robt and John Lilburn, two parliamentary col. adhering to the parl. became a justice of peace, a committee man, surveyor of bp's lands, and sequestrator of delinquents estates. Rich. father to John, was censured in the Star Chamber.

1567 and 1568. Tim. Whittingham, arm. Will. Brass de Hass, subvic.

1659. Robt Ellison, arm. Geo. Kirby, sen. subvic.—Gray and Randal's MSS.

* *An assize held at Durham on the 11th of August, 1651.*

BE it enacted by authority of parliament, and it is hereby ordained and appointed, That a sessions for the county of Durham shall be holden and kept at the city of Durham, in the said county, upon the 11th day of August now next coming, being in this present year 1651; and that Francis Thorp one of the barons of the public Exchequer, and John Parker serjeant at law, shall be justices of the said sessions for the said county; and that all actions as well real as personal, and all other actions mixt or otherwise, and all pleas, precepts, writs, process, demurrers, recognizances, fines, recoveries, and all other proceedings, matters, and things, which were depending in the court of Pleas at Durham, upon the 22d of August, 1642, or at any time since, and are now discontinued and put without day, by not coming of the justices, shall be and stand revived, recontinued and of as full force and effect in law, to all intents and purposes as they were the said 22d of August, 1642, or at any time since: And that all process, pleas, demurrers, and proceedings in every such action or actions, suits, bills, or plaints, which were depending upon the said 22d of August, 1642, or at any time since, shall stand good and effectual, and be proceeded in and sued forth, in such

manner and form, and be in the same plight, estate, condition, and order, as if the same discontinuance, obstruction or hindrance had never happened; any discontinuance, miscontinuance, putting without day, or not prosecuting of the same, to the contrary notwithstanding.

And that the said justices so assigned, or one of them, after such time as they shall have the records of the same pleas and process before them, shall have full power and authority to continue the said pleas, process, and all things that depend upon them, and to hear and finally to determine thereupon, according as any other justice or justices of any sessions heretofore held at Durham, before the said 22d day of August, 1642, might or ought to have done, in case there had not been any obstruction, discontinuances, or not coming of the said justices as aforesaid.

And be it further enacted, that in all actions now depending in the court of Exchequer at Westminster, for any matter or cause arising within the said county of Durham, and now at issue, or which shall be brought to issue before the said 11th of August, 1651, the tenor of the record thereof shall be sent by mittimus, directed to the said justices of the said county of Durham, to be there tried according to the law, and further to be proceeded in as the law requires: And likewise, that all writs and process, which have since the said 22d of August, 1642, issued forth out of the several courts of Upper Bench and Common Pleas at Westminster, directed to the sheriff of the county of Durham, and all other returns and other proceedings thereupon, shall be as good and effectual in law, to all intents and purposes, as any the like writs and processes directed to other sheriffs of any other counties of England, and returns and other proceedings thereupon are and ought to be; and that such further process, proceeding, trial, judgment, and execution, may be had thereupon, as in other counties upon like writs, process, and actions.

And that they the aforesaid assigned justices, or either of them, shall likewise hear and determine all and all manner of treasons, petty treasons, murders, manslaughters, felonies, burglaries, rapes, trespasses, riots, routs, unlawful assemblies, and all other offences and injuries whatsoever, triable, done, or committed by any person or persons whatsoever within the said county of Durham, against the statutes and laws of this nation in such cases made and provided.

And also to make or cause to be made a gaol delivery there, according to the law and custom of England; and that the said justices shall act, do, and perform all other matters and things, in such manner and form as any other justice or justices of assize, or other justice at Durham, and of the Pleas of the Crown, Common Pleas and other Pleas, have usually and respectively acted, done, and performed at any time heretofore: And the lords commissioners appointed for the custody of the great seal of England, are hereby required and authorised to issue forth to the said assigned justices of assize and goal delivery, for the execution of the premisses, such commission or commissions, as in such cases into other counties of England are now issued; and commanding and enjoining likewise the sheriff of the said county of Durham, that he cause forthwith proclamation and notice to be given in all places within the said county, as well within liberties as without, to all earls, barons, knights, justices, mayors, bailiffs, stewards, officers, ministers, and other persons whatsoever, dwelling and residing within the said county, having any thing to do at the same sessions; that they then and there attend upon the said justices, and be in all things requisite to them aiding and assisting.

And it is further enacted, ordained, and declared, by the authority aforesaid, That as well all such fines and common recoveries of any manors, lands, tenements, or hereditaments, lying or being within the county of Durham, as were taken before the justices of assize, or either of them, at the last assizes holden at Durham aforesaid, the 12th day of August, 1650, or at any other time or times before the said assizes, since the said 22d day of August, 1642, or which have been, or hereafter shall be taken or acknowledged at the said assizes, so by this act appointed to be holden at Durham as aforesaid, or which shall be taken or acknowledged by virtue of any commission directed to any judge of either bench, barons of the Exchequer, serjeants at law, and other special commissioners, according to the accustomed manner of taking

Westminster.* Various possessions of the See were sold, by virtue of the following ordinance; and the particulars of the several sales appear in the subsequent tables.

fines and recoveries of lands lying in any other county within the commonwealth of England, shall be ordered, entered, ingrossed, and otherwise proceeded in for perfecting thereof, in the court of Common Pleas at Westminster, and in such offices and places, and in such manner and form, and by and before such officers, as other fines and recoveries respectively taken of or for lands, tenements, and other hereditaments, lying within the counties of Monmouth and Hereford, or any other county or counties in England, which are not, or have not been counties palatine, are and have been usually entered, enrolled, engrossed, ordered, and otherwise proceeded in.

And that all writs of covenant, writs of entry, and dedimus protestatems to take the captions or acknowledgments of fines and warrants of attorney for recoveries within the said county of Durham, shall be issued and made by the present cursitor of the said counties of Monmouth and Hereford, who is already sworn and admitted cursitor for the county of Durham by the lords commissioners of the great seal, in as full and ample manner and form as any writs of the like nature are or have been heretofore usually issued and made by any of the cursitors of the Chancery of England, in any other of the counties of England.

And it is further enacted and ordained, that the several officer and officers of the several and respective offices and places aforesaid, shall receive and take the said fines, recoveries, and all writs and other writings and immuniments concerning the same, without exacting or taking any reward for, or duty for any post-diem or post-terminum thereof; which fine and fines, and all and every recovery and recoveries heretofore levied or suffered or hereafter to be levied and suffered, of any honors, manors, lands, tenements, or hereditaments, lying or being within the said county of Durham, in manner and form aforesaid, or hereafter passed in the court of Common Pleas at Westminster, of any lands or tenements in the said county, shall be of the same and the like force, strength and effect in law, to all intents constructions, and purposes, as any other fine or fines levied, and common recoveries suffered in the said court of Common Pleas at Westminster, of lands lying in any other county are or is; any law, statute, custom, or usage to the contrary notwithstanding.——From Scobel's Collection of Acts during Oliver Cromwell's Usurpation, p. 154.

In 1651 and 1652 two acts passed, for sale of forfeited estates for treason, in the bishopric of Durham; wherein the following gentlemen are named:

Sir Richard Tempest, late of Stella, in the county of Durham, bart.
Robert Emmerson of Ludwell, gent.
Ralph Gray, of Trumblehill, yeoman.
John Hilton, of Hilton, esq.
Richard Harrison, of Overfrierside, gent.
Katherina Conyers, of ———
Sir John Mennes, late of Winlaton, knt.
Sir John Sommerset, of Gainford, knt.
James Ascough, of Middleton on Rowe.
Thomas Braithwaite, of Neesam Abbey, gent.
Anthony Bulmer, of Ketton, esq.
Cuthbert Collingwood, of Dawden, esq.
John Errington, of Elton, gent.
Sir William Fenwick, of Scrimerston, knt.
William Hall, of Greencroft, gent.
Ralph Millet, of Mayland, gent.
Michael Pudsey, of Middleton George, gent.
William Power, of the city of Durham.
Lancelot Salkeld, late of Skirningham, gent.
William Sherraton, of Elwick
Thomas Wray, of Beamish, esq.

* *Exemplification of a fine of lands at Hurworth, in the county of Durham, levied in the court of Common Pleas at Westminster, during the commonwealth of England.* 1650.

CUSTODES libertatis Angl. authoritate parliamenti omnibus ad quos præsentes literæ nostræ prevenerint, salutem. Sciat. quod inter recorda ac pedes sinum cum

" *An* Ordinance of the lords and commons assembled in parliament, for appointing the sale of Bishops Lands for the use of the Commonwealth, in* 1646.

" WHEREAS by an ordinance of the lords and commons made the ninth of October, one thousand six hundred and forty-six, the name, title, stile and dignity of archbishop of Canterbury,

proclam. inde fact. secundum formam statuti in hujusmodi casu nuper edit. et provis. coram justic. de com. banco apud Westm. de termino paschæ anno Dom. millesimo sexcentesimo quinquagesimo continen Dunelm. ss. Hæc est finalis concordia facta in cur. de com. banco apud Westm. a die paschæ in quindecim dies anno Dom. millesimo sexcentesimo quinquagesimo coram Olivero St John Johanne Puliston, Petro Warburton, et Edwardo Atkins justic. et aliis fidelibus tunc ibi præsentibus inter Johannem Lister armigerum et Thomam Lister generosum quer. et Willm. Wormley generosum et Dorotheam uxorum ejus Robertum Wormley generosum deforc. de decem et octo acris prati et viginti et quatuor acris pasturæ cum pertin. in Hurworth super Tease. Unde placitum conventionis sum. fuit inter eos in eadem cur. scil. quod præd. Willielmus et Dorothea et Robertus recogn. prædicta ten. cum pertinen. esse jus ipsius Johannis, ut illa quæ iidem Johannes et Thomam habent de dono prædictor. Willielmi et Dorotheæ et Roberti, et illa remiser. et quiet. clam de ipsis Willielmo et Dorothea et Roberto et hæred. suis prædict. Johanni et Thomæ et hæred. ipsius Johannis imperpetuum. Et præterea iidem Willielmus et Dorothea concesser. pro se et hæred. ipsius Willielmi quod ipsi warant. prædictis Johanni et Thomæ et hæred. ipsius Johannis prædicta ten. cum pertin. contra prædictos Willielmum et Dorotheam et hæred. ipsius Willielmi ac contra Willielmum Wormley præm. prædictor. Willielmi et Roberti et hæred. suos imperpetuum. Et ulterius idem Robertus concessit pro se et hæred. suis quod ipsi warant. prædictis Johanni et Thomæ et hæred. ipsius Johannis prædicta ten. cum pertin. contra prædictum Robertum et hæred. suos hac contra prædictum Willielmum Wormley præm. et hæred. suos imperpetuum. Et pro hac recogn. remissione quiet. clam. warant. fine et concordia iidem Johannes et Thomas dederunt prædictis Willielmo et Dorothæa et Roberto sexaginta libras sterlingor. In cujus rei testimonium sigillum nostrum ad brevia in banco predicto sigilland. deputat. præsentibus apponi fecimus. Teste O. St John apud Westm. primo die Maii anno Dom. supradicto. GOODWYN.

Exemplification of another fine of lands at Hurworth, levied in the same court, in the protectorate of Oliver Cromwell. 1656.

OLIVER, lord protector of the commonwealth of England, Scotland, and Ireland, and the dominions thereto belonging, to all to whom these presents shall come, greeting. Know yee, that among the records and feete of fines with proclamations thereupon made before the justices of the common bench at Westminster, according to the forme of the statute in that case made and provided in the term of St Hillary, in the yeare of our Lord one thousand six hundred fifty-six, it is thus contayned: DURHAM, This is the finall agreement made in the court of the common bench att Westminster in eight dayes of St Hillary, in the yeare of our Lord one thousand six hundred fifty-six, before Oliver St John, Edward Atkyns, Mathew Hale, and Hugh Wyndham, justices, and others then and there present, betweene John Howe plaintiff, and Henry Jones and Katherine his wife deforceants, of one oxehouse, tenn acres of land, tenn acres of meadow, and twenty acres of pasture, with the appurtenances in Hurworth upon Teese. Whereupon a plea of covenant was summoned between them in the said court, that is to say, that the aforesaid Henry and Katherine have acknowledged the aforesaid tenements with the appurtenances to be the right of him the said John, as those which the said John hath of the guift of the aforesaid Henry and Katherine, and those they have remised and quite-claimed from them the said Henry and

* From Scobel's acts during Cromwell's usurpation, p. 101.

archbishop of York, bishop of Winchester, bishop of Duresme, and of all other bishops of any bishopricks within the kingdom of England and dominion of Wales, from the first of September 1646, is wholly abolished and taken away, and all and every person and persons are disabled to hold the place, function, or stile of archbishop or bishop of any church, see, or diocese, within the kingdom of England and dominion of Wales, by any authority whatsoever; and all counties palatine, honors, manors, lands, tenements, and hereditaments, and other the premises in the said ordinance mentioned, were and are vested and settled, adjudged and deemed, to be in the actual possession and seizin of Thomas Adams, alderman, then lord mayor of the city of London, Sir John Wollaston knt. Sir George Clarke knt. John Langham alderman, John Fowke alderman, James Bunce alderman, William Gibbs alderman, Samuel Avery alderman, Thomas Nowel, Christopher Pack, John Bellamy, Edward Hooker, Thomas Arnold, Richard Glide, William Hobson, Francis Ash, John Babington, Laurence Broomfield, Alexander Jones, John Jones, Richard Venner, Stephen Estwick, Robert Mead, and James Storey, their heirs and assigns, upon trust and confidence, that the said persons before named, their heirs and assigns, should have and hold the premisses and every of them, subject to such trust and confidence, as both houses of parliament should appoint, declare and dispose of the same, and the rents and profits thereof, as the said houses shall order and appoint.

"Provided and it is further declared and ordained, that whereas the late bishop of Durham, and other his predecessors bishops of Durham, have hitherto exercised and enjoyed as counts-palatine, sundry great franchises, liberties and jurisdictions, commonly called *jura regalia*; that this ordinance, nor any thing therein contained, extend not, nor be construed to extend, to give power or authority to the persons herein named, or any of them, to sell, dispose, or any way to contract for the said *jura regalia*, belonging unto the said bishop or his predecessors as counts-palatine, or any of them; but that the same shall remain in the said trustees named in a late ordinance, intitled, *An ordinance for the abolishing of archbishops & bishops, within the king-*

Katherine and their heires to the aforesaid John and his heires for ever. And moreover the said Henry and Katherine have granted for them and the heires of the said Henry, that they will warrant to the aforesaid John and his heires the aforesaid tenements with the appurtenances against all men for ever. And for this acknowledgment, remise, quite-claim, warrant, fine, and agreement, the said John hath given to the aforesaid Henry and Katherine sixty pounds sterling. In testimony whereof wee have caused our seale deputed for the sealing of writtes in the court aforesaid unto these presents to be affixed. Witness O. St John att Westminster the XVIIIth. day of January in the yeare aforesaid. DRAKE.

dom of England and dominion of Wales, and for settling their lands and possessions upon trustees, for the use of the commonwealth, to be disposed of as both houses of parliament shall think fit and appoint; any thing in this present ordinance to the contrary thereof contained in any wise notwithstanding.

A particular of lands belonging to the bishop of Durham sold by vertue of an ordinance, intitled,* An ordinance for abolishing of archbishops & bishops within the kingdom of England & Wales, & for settling their lands & possessions upon trustees for the use of the commonwealth, to be disposed of as both houses of parliament shall think fit and appoint.

1647.

Oct. 18.	Certain farms parcel of Houghton-le-spring manor sold to Adam Sheppardson for	352	0	0
Feb. 2.	Houses, shops, and waste ground on Tyne Bridge, sold to Francis Alder for	59	2	6
Mar. 8	Bishop Auckland manor, sold to Sir Art. Hasilrigge	6102	8	11½
22.	Manor of Ivy Church co. Wilts, and Alderbury, and 200l. a-year out of Durham-House, parcel of the Sees of Durham and Sarum to Sid. Bere & Ferd. Parkhurst ...	7280	2	4
24.	The fee farm of 40l. a year out of the new exchange called Britains Burse, to the earl of Salisbury -	480	0	0
	Stockton manor to Wm Underwood & James Nelthorpe ...	6165	10	2½

1648.

Apr. 19.	Several parcels of Gateside manor by Tyne Bridge, sold to James Baylis for	63	15	10
May 10.	Lands in Northallerton to John Wastell & Ja. Danby	102	10	0
	Northallerton manor, sold to William Cave for	1453	6	8½
June 9.	Two third parts of Tanfield Moor coal mines, sold to Richard Marshall for	91	16	0

* Strype's Annals, vol. ii. (appendix) p. 65.——Willis's Cathedrals.

	Third part of Tanfield colliery to Arch Lovett for	17	6	8
Dec. 8.	Several ox-gangs in Osmotherly, co. York, to Tho. Todd ...	186	17	2
15.	Lands in Sowerby, Osmotherley, Northallerton, &c. to Robert Medcalfe, for	1081	7	3¾
Mar. 7.	Crayke manor to Sir Tho. Widdrington & Tho. Coghill ...	1163	8	2½
24.	Part of Wolsingham manor to John Emmerson	406	13	4
	1649.			
May 2.	Durham Castle to Tho. Andrews, l. mayor of London ...	1267	0	10
30.	Parcel of Wolsingham manor to Richard Marshall ...	158	11	8
June 29.	Lands in Northallerton manor, sold Tho. Lassels	553	17	3
	Several lands in Northallerton to Robert Medcalfe	289	0	3
Sep. 21.	Frankland Wood Park and colliery, with meadows in Durham Moor & Gateside, & tolls of the town of Gateside, sold to Thomas Redger for	2559	2	0
Nov. 9.	Bishop-Middleham manor to Thomas Hasilrigge, esq; ...	3306	6	6½
	Sunderland Burrough, and the manor of Houghton-le-Spring, sold to George Fenwicke for ...	2851	9	6
	1650.			
Apr. 5.	Easingwood Burrough to Sir Arth. Hasilrigge for	5833	9	9
	Bedlington manor & Choppington farm, sold 21st Jan. 1649, & again in 1650, to Robert Fenwicke, esq;	1296	0	5½
May 31.	Parcel of Northallerton & Whiston Cliffe, parcels of the Sees of Durham & York, sold to Moses Jenkins	113	0	4
	Parcel of Northallerton manor, sold to Henry Darley ...	1215	1	1¾

June 1.	Parcel of land in Rinehope to George Fenwicke, esq; ...	2091	16	3
	Wolsingham manor sold to Sir Arth. Hasilrigge for	6764	14	4
July 27.	Howden manor to Will. Underwood & Tho. Coghill for ...	5192	15	0
Mar. 24.	Easington manor sold to Walter Boothby, esq; for	8528	2	3
	1651.			
Ap. 18.	Durham Burrough and Framwelgate, sold to the corporation of Durham for	200	0	0
May 2.	Two parcels of land near Durham to Rich. Marshall ...	8	13	4
	Northallerton Burrough to Hen. Darley & John Wastell ...	237	3	2
Mar. 12.	Several parcels of land on Tyne Bridge to Fra. Alder ...	52	5	8
		£. 68121	15	9

A petition to parliament, from several persons of fortune in the county of Durham, dated the 7th of May 1650, was delivered by the grand jury at the gaol-delivery, to the high-sheriff, James Clavering, esq; praying, that a re-establishment of courts of justice might be had; and that the college and houses of the dean and chapter, then empty and going to decay, might be employed for erecting a college, school, or academy, for the benefit of the northern counties, which were so far distant from the universities; and that part of the lands of the said dean and chapter, near the city, might be applied by trustees to pious uses.

The latter part of this petition was attended to by Cromwell, who thereupon wrote the following recommendatory letter to William Lenthall, esq; then speaker of the parliament:

"Sir,

"Haveing received informacion from the mayor & citizens of Durham & some gentlemen of the northerne counties that upon their petition to the parliament, That the howses of the late deane & chapter in the citie of Durham might be converted into a colledge or schoole of literature; the parliament was pleased in May last to referr the same to the committee for removeing obstructions in the sale of deane & chapter lands to consider thereof & to report theire opinion therein to the howse, which said committee (as I am also informed) have so farr approved thereof as

that they are of opinion that the said howses will be a fitt place to erect a colledge or scoole for all the sciences & literature, & that it will be a pious & laudable worke, & of greate use to the northerne parte; And have ordered Sir Arthur Hesilrige to make report thereof to the howse accordingly, And the said citizens & gentlemen haveing made some addresse to me to contribute my assistance to them therein, to which in soe good & pious a worke I could not but willingly & heartily concurr: And not knowing wherein I might better serve them or answere theire desires then by recomending the same to the parliament by Sir your selfe their speaker: I doe therefore make it my humble & earnest request that the howse may be moved as speedily as conveniently may be to heare the report of the said comittee concerning the said business from Sir Arthur Hesilrige; that soe the howse, takeing the same into consideracion may doe therein what shall seem meete for the good of those poor countries; Truly it seemes to me a matter of great concernment & importance as that which (by the blessing of God) may much conduce to the promoting of learning & piety in these poore rude & ignorant parts, there being also many concurring advantages to this place, as pleasantness & aptnes of scituation healthfull aire & plenty of provisions which seeme to favour & plead for theire desires therein; And (besides the good so obvious to us those northerne counties may reape thereby) who knowes but the setting on foote of this worke at this tyme may suite with Gods present dispensacions, & may (if due care & circumspection be used in the right constituting & carrying on the same) tend to & (by the blessing of God) produce such happy & glorious fruites as are scarce thought on, or foreseene, Sir not doubting of your readiness & zeale to promote so good and publiq a worke; I crave pardon for this boldnesse & rest

Edinburgh, the 11th. March, 1650.

Sir
Your most humble servant
(Directed) O. CROMWELL.

For the Right Honorable William Lenthall Esq; Speaker of the Parliament of the Commonwealth of England. These."*

This occasioned another application from the county, by their grand jury, dated the 14th day of January, 1651:

* The original letter is now in the custody of the dean and chapter of Durham whereof the above is a true copy.——G. A.

"To the supreme authoritie of this nation the Parliament of the Commonwealth of England.

"The humble desires and representacion of the gentlemen, freeholders and inhabitants of the countie and city of Durham, presented by the grand jurie at the generall goale delivery holden for the said county the 14th day of Januarie, 1651,

"Sheweth,

"That your peticioners doe with all humility and thankfulfulness, acknowledge your honours pious care to the publique, and especiall favours and respect towards your peticioners, in your late concessions for founding of a colledge at Durham, and in granting the colledge of the late deane and prebends houses there to that purpose, even amidst the great and weighty affairs of the commonwealth, And for the better encouragement of men of piety and good parts, and support of those not able to maintaine themselves; your peticioners to manyfest their desires to promote soe laudable a worke, with least charge to the commonwealth, did by their former representacion from the last assizes holden at Durham in August 1650, humbly crave, that a competent revenue in lands might be granted to the said use, in consideracion of a debt of 2566*l.* 13*s.* 10*d.* remaineing yet due to this county and city since November 1641 by order of this honourable house hereunto annexed, and that it may the better appeare to be a worke soe pious laudable & convenient for this comonwealth, especially the northerne countyes, your peticioners doe with all humility offer to consideracion the reasons hereunto annexed, and doe again desire

That this great court would be pleased to grant some competent revenue in lands for founding of the said colledge, and the said debt to be allowed in the purchase thereof, without doubleing the same; and to appoint some competent number of worthie and faithfull gentlemen in the said county and city, that may be commissioners for formeing and establishing of the said colledge with such locall statuts and good orders, as may most conduce to the accomplishment of those honorable ends of advanceing piety and learneing intended by your honours, And it will be a lasting monument of your pious care to promote soe valuable a worke, and more endeare your peticioners ever to pray, that wisdome truth and prosperity may direct and attend your counsells.

John Shawe	Henery Eden	Robert Ayton
Simon Peacocke	John Hynde	Thomas Bracke
Anth. Thompson	Nicholas Hall	Hugh Stott
Robt. Sharpe	Simon Lakenbye	Willm. Hart
Rich. Rowe	John Richardson	Joh. Summers"
Nich. Heath	Row. Burdon	

These applications were referred to a committee, to state the business, and report their opinion concerning the desires of the county. The committee accordingly reported, that they were of opinion the said houses were a fit place to erect a college or school for all the sciences and literature; that it would be a pious and laudable work, and of great use to the northern parts; and ordered Sir Arthur Hesilrigge to make their report thereof to the house.

On the 28th of April, 1653, the inhabitants of the county addressed the lord-general and council of officers as follows:

"To his Excellency my Lord-Generall, and the rest of his Councell of Officers.

"The humble and harty acknowledgments of many honest people in the county of Durham, declaring as followeth:

"WEE receiving a declaration from his Excellency and you the 26th of this instant Aprill; upon the reading whereof, we were at first like men in a dreame, and could hardly beleeve for rejoyceing, to see the wonderfull goodness and kindeness of God, in renueing a remembrance of your former engagements for this poore nation, whose freedome the Lord hath made you instruments to purchase at so deere a rate, from that slaverie and bondage they were formerly involved in; all which God hath beene wonderfully pleased to crowne, not with ordinary successe, but with almost miraculous discoveryes of his presence with you, to the great satisfaction of all honest godly harts, and to the conviction of others, forcing them to say for a truth, God is there. We need not mention the particulers, wherein God hath so wonderfully appeared, it being soe obvious to all mens eyes; and this last act is not the least to discover the continuation of the Lords presence with your hearts, in moveing you to desolve this present parliament, whose actions, in these latter dayes, were so contrarie to their own declarations and the armye's engagement, that wee did almost begin to conclude that our oppressions would be as great as ever; and though the sence of our unkindnes to God causes us to conclude it is just from him, yet wee thought it very strange from them. And that which did very much add to our sorrow, was the feare of Gods presence withdrawing from you, which feare was caused by your long silence; but now to see the Lord hath againe quickened you, is as life to our dying expectations, and doth exceedingly engage our hearts, as to acknowledge God in you, soe to continue seeking the Lord for you, that you may not stay nor bee discouraged in the great worke you have in hand, but that you may go on as instruments to perfect the freedome of the poore people in this nation. And for that end wee doe earnestly

beseech the Lord, that you may be kept low in yourselves, and that neither your former glorious victories and successes, nor the eminent imployment that God hath now put you upon, may any way take you off from a singular looking upon God in it, nor any oppositions (which we feare may be many) may discourage you in the prosecution of what is begun, but that you may still goe on in the worke, as God's worke; and be confident it is honesty God will owne, and make honourable in these dayes. And although your extraordinary attempts, which necessity put you upon, to make good your engagements to God and this poore nation, may seeme strange to some, yet to those who follow the footsteps of Providence with you, and have been often at the Throne of Grace for you, cannot but acknowledge it as a great mercy from God, causeing you to act for our freedom, through such great difficulties.

Wee make bold, in the behalfe of many hundred honest hearts in this county, being desired by many of them to write to you, to let you know how much wee desire to blesse God for still owneing you, and to shew you how much our hearts owne you in this action of late, and with all to desire the Lord to give us hearts that we may be earnest with him, that he may always be wisedom and strength for you, in directing you in the way for a new representative, that may settle this poore nation in its proper rights and freedoms, which hath been long expected. And were it not troublesome and tedious to present some overtures, we should make bold to speake something for this poore county, which hath for a long time layd under many oppressions; and the more, for that by the usurpation and pride of the bishopps, there was never that liberty given us for the choyce of parliament men, to speake out our grievances, or to attempt our deliverance, sutable to all other countyes in the nation, and which allmost all counties had (this excepted;) but we cannot doubt of the enjoyment of that privilege for the future, it being soe fully expressed in your declarations. Therefore we only take liberty humbly to present our conditions, which is not only sadd, but singular; begging of God to minde us in appearing with you, we take leave to subscribe our selves,

My Lord, and honourable Councell;

Your humble servants, under that engagement that requires our lives, and all that is ours to stand by you.

DURHAM, April 28, 1653.

Signed by us upon the request, and in the behalfe of many.

Jo. Middleton	John Jopling	John Brakenbury
Timothie Draper	R. Webb	Hen. Draper
Will. Parish	Geo. Hall	William Wharton
Fran. Wilkinson	Ralph Belley	Cuth. Rayne
John Jopling	Richard Lee	Geo. Bateman
John Readsham	Anthony Smith	Ed. Thirkelde
William Priscott	John Harrison	Edward Alwaine
Nicolas Byerly	B. Hobson	

To his Excellency the Lord-Generall Cromwell, and his Councell of Officers, these present, London".

In the year 1656 Cromwell and his privy council issued an order for founding and endowing a college at Durham, out of the church lands; and on the 15th May, 1657, granted letters patent for that purpose.

" OLIVER lord protector of the commonwealth of England, Scotland and Ireland, and the dominions thereto belonging. To all to whom these presents shall come, greeting. WHEREAS it hath been represented unto us by our right trusty and right well beloved councellor John Lambert, and our right trusty and well beloved general Montague, and our right trusty and well beloved Francis Rous esq; a committee of our councell (to whom the petitions of the justices, grand jury's, gentlemen and inhabitants of our city and county of Durham, county of Northumberland, and town and county of Newcastle upon Tyne, for the founding of a college at the city of Durham, was referred by our said councell) that the founding of a college at Durham will be of great advantage to those counties and to all the northern parts of this island, as well in referrence to the promoting of the gospel, as the religious and prudent education of young men there: And it having thereupon been ordered by us and our councell (according to the opinion of the said committee in pursuance of the petitioners desires) that a college be erected and founded at Durham. Know ye therefore, that we having taken the premisses into our consideration, of our especial grace, certain knowledge and mere motion, have thought fit to erect and found, and by these presents for us and our successors do erect and found a college, in our city of Durham, in our county of Durham, within the scite of the college houses, cathedral church and castle in our said city of Durham or some of them; to be and continue a college from time to time hereafter for ever.

3. And that the said college shall consist of one provost or master, two preachers or senior fellows, and twelve other fellows, four of the said twelve fellows to be professors, four other of them to be tutors, and other four of them to be school-masters. And

also twenty-four scholars, twelve exhibitioners in the said college, and eighteen scholars in the free school belonging to the said college.

4. And we do by these presents for us and our successors will, ordain, constitute and appoint, that they and their successors shall from henceforth stand and be incorporated and founded, in name and in deed, one body politique and corporate, to all intents and purposes. And shall be eligible and be elected, as hereafter is declared. And shall for ever hereafter be called by the name of The master or provost, fellows and scholars of the college in Durham, of the foundation of Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the dominions thereto belonging; and by the same name shall have perpetual succession.

5. And, to the end that the said college may be at present furnished and provided with fitting persons for this work and service: We do for us and our successors constitute and appoint our well beloved Philip Hutton M. A. to be the first provost or master of the said college; and our well beloved William Spinedge and Joseph Hill M. A. to be the two first preachers or senior fellows of the said college; and our well beloved Thomas Vaughan M. A. John Kifler M. D. Robert Wood M. A. Ezerel Tong D. D. John Peachil M. A. Leonard Wastel, Richard Russel M. A. John Richel, Nathanael Vincent M. A. William Corker, John Doughty M. A. and William Sprigg, to be the first twelve other fellows of the said college; whereof the said Thomas Vaughan, John Kifler, Robert Wood and John Peachil shall be the first four professors, and the said Ezerel Tong, Richard Russel, John Richel and John Doughty shall be the first four tutors of the said college; and the said Nathanael Vincent, William Corker, William Sprigge and Leonard Wastel shall be the first four schoolmasters of the said college.

6. And we do by these presents for us and our successors (with the advice of our councel) of our like especial grace, certain knowledge and mere motion, and for the endowment of the said college with some competent means for the maintenance thereof, and for the better advancement of learning and religion in those parts, give and grant unto the said master and provost, fellows and scholars of the said college in Durham, of the foundation of Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the dominions thereto belonging, and their successors; All that the cathedral church and church-yard and college of Durham aforesaid; and also all and singular messuages and houses and all orchards, gardens, courts, court-yards, curti-

lages, wastes and wast grounds thereunto belonging, which are yet unsold, & which were lately belonging to the late dean and chapter of the said cathedral church of Durham; and the free-school there and school-house, and the houses for schoolmasters there, with all orchards, gardens, courts, court-yards, curtilages, wasts and wast grounds thereunto belonging, with their and every of their rights, members, precincts, privileges, hereditaments, and appurtenances, in any wise, unto any of the said premisses belonging, in as ample a manner as the late bishop, or dean and chapter of Durham, or the trustees for sale of the lands and possessions of the late bishops, deans and chapters, or any of them, have held and enjoyed, or of right ought to have had held and enjoyed the same. To have and to hold the said cathedral church and college of Durham, and also all and singular the aforesaid messuages and houses that are yet unsold, and that were lately belonging to the said dean and chapter of the said cathedral church of Durham, and the free-school there, and school-houses, and the houses for schoolmasters there, with their and every of their rights, members, precincts, privileges, hereditaments, and appurtenances, unto the said master or provost, fellows and scholars of the said college and their successors for ever.

7. And also we have given and granted, and by these presents for us and our successors do give and grant, unto the said master or provost, fellows and scholars of the said college, and their successors, all that yearly rent of One hundred and seventeen pounds fifteen shillings and eight-pence, reserved by one indenture of lease bearing date on or about the sixth day of April, in the four-and-twentieth year of the reign of the late queen Elizabeth, made or mentioned to be made by Richard (Barnes) then bishop of Durham unto the said late queen Elizabeth, for the term of ninety-nine years then next following; the said yearly rent to be issued and payable out of the several manors of Gateside alias Gateshead and Wickham with their appurtenances in the said county of Durham: To have and to hold the said yearly rent of One hundred and seventeen pounds fifteen shillings and eight-pence in and by the said indenture reserved, and in and by these presents granted as aforesaid unto the said master or provost, fellows and scholars of the said college, and their successors, for and during the residue of the said time and term of ninety-nine years, in and by the said indenture granted and reserved yet to come and unexpired, to be paid to the said master or provost, fellows and scholars of the said college, and their successors for the time being, at the feast of Pentecost called Whitsunday, and

St. Martin the bishop in winter, by even portions; and if it shall happen the said yearly rent of One hundred and seventeen pounds fifteen shillings and eight-pence to be behind and unpaid in part or in the whole by the space of one and twenty days next after either of the aforesaid days or times whereon the same ought to be paid as aforesaid, that then and from thenceforth and so often, it shall and may be lawful to and for the said master or provost, fellows and scholars of the said college for the time being, or some other person or persons by them authorised thereunto, to use all lawful means and remedy for the recovery and receiving of the said yearly rent of One hundred and seventeen pounds fifteen shillings and eight-pence, and every part and parcel thereof which shall so happen to be behind and unpaid, by distress or otherwise.

8. And further, we do by these presents, for us and our successors, give and grant unto the said master or provost, or fellows & scholars of the said college, and their successors, one yearly rent charge of Five hundred pounds per annum, to be payable, issuing, and going out of the aforesaid several manors of Gateside alias Gateshead and Wickham, with their and every of their appurtenances in the said county of Durham, and out of all houses, edifices, buildings, barns, stables, orchards, gardens, woods, underwoods, mines, quarries, mills, moors, marishes, wast grounds, waters, fishings, burrow courts, profits and perquisites of courts, heath grounds, lands, tenements and hereditaments, within the aforesaid manors or any of them. To have and to hold the said yearly rent charge of Five hundred pounds unto the said master or provost, fellows and scholars of the said college, and their successors, at the feast of Pentecost called Whitsunday, and on the day of St. Martin the bishop by even portions; the first payment thereof to begin and be made at the first of the said feasts or days which shall next happen after the end or other sooner determination of the aforesaid lease; and if it shall happen that the said yearly rent charge of Five hundred pounds shall be behind and unpaid in part or in the whole, by the space of one and twenty days next after either of the aforesaid days or times whereon the same ought to be paid as aforesaid; that then and from thenceforth and so often, it shall & may be lawful to and for the said master and provost, fellows and scholars of the said college, and their successors, or some other person or persons by them authorised thereunto, unto the said manor of Gateside alias Gateshead and Wickham with their appurtenances, and into the edifices, houses, lands, tenements, hereditaments, and other the premisses, or into any part or parcel thereof, to

enter and distrain; and the distress and distresses then and there found to lead, drive, carry away, & with them to detain and keep, untill the said master or provost, fellows and scholars of the said college, and their successors, be fully satisfied and paid the said yearly rent of Five hundred pounds, and all arrearages thereof, if any shall be.

9. And further, we do by these presents for us and our successors, give and grant unto the said master or provost, fellows and scholars of the said college, and their successors, one other yearly rent charge of Two hundred & eighty-two pounds four shillings and four-pence, to be issuing and payable out of the rectories, impropriations, and parsonages impropriate, late belonging to the late bishop, or dean and chapter of Durham, or any of them respectively: To have and to hold the said yearly rent charge of 282. 4. 4. unto the said master or provost, fellows and scholars of the said college, and their successors for ever, to be paid unto the said master or provost, fellows and scholars of the said college, and their successors, at the feast of Pentecost commonly called Whitsunday, and St. Martin the bishop in winter, by even and equal portions; and if it shall happen the said yearly rent charge of 282. 4. 4. to be behind and unpaid in part or in the whole by the space of one and twenty days next after either of the said feasts whereon the same ought to be paid as aforesaid; that then and from thenceforth and so often, it shall and may be lawful to and for the said master or provost, fellows and scholars of the said college, and their successors, or any other person or persons by them authorised thereunto, into the said rectories, impropriations, and parsonages impropriate, or into any part thereof to enter and distrain, and the distress and distresses then and there so taken, to lead, drive, and carry away, & with them to detain & keep, until the said master or provost, fellows and scholars of the said college, & their successors, shall be fully satisfied and paid the said yearly rent of 282. 4. 4. and all arrearages of the same if any shall be.

10. And further, we do by these presents for us & our successors, give & grant unto the said master or provost, fellows & scholars of the said college and their successors, all manuscripts, library books, & other books & mathematical instruments, & all other instruments whatsoever, late belonging or appertaining to the late bishop & dean & chapter of Durham, or either or any of them respectively, relating to the practice of any of the liberal sciences; and all our right, property, interest, claim & demand of, in & unto all & every the said manuscript books & instruments:

To have & to hold the said manuscripts, library books and other books, and mathematical instruments & other instruments aforesaid, unto the said master or provost, fellows & scholars of the said college, & their successors, as of our free gift.

11. And further, we do by these presents, for us and our successors, give and grant unto the said master or provost, fellows and scholars of the said college, and their successors; that it shall and may be lawful for them, from time to time, & at all times hereafter, to purchase, have, hold and enjoy to them and their successors, any lands, tenements & hereditaments, rents or revenues, not exceeding the yearly value of Six thousand pounds, and any goods or chattels whatsoever of the gift, or to be purchased of us or our successors, or of any other person or persons whatsoever; the statute for not putting lands or tenements in mortmain, or any thing therein contained to the contrary thereof in any wise notwithstanding.

12. And we will, and by these presents for us and our successors do ordain and appoint, that the said college, by the name of the master or provost, fellows and scholars of the college in Durham, of the foundation of Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the dominions thereunto belonging, and their successors, shall have power and authority to demise, lease and grant their possessions and hereditaments aforesaid, as other colleges may lawfully do, and not otherwise; and to sue & implead, and to be sued and impleaded by the name aforesaid; and to do, perform, and execute all and every other lawful acts and things, good, necessary and profitable for the said college, in as full and ample manner, to all intents, purposes and constructions, as any other collegiate corporation whatsoever may or can lawfully do, and not otherwise.

13. And we will, and by these presents for us and our successors, do farther grant unto the said master or provost, fellows and scholars of the said college, and their successors, that they shall and may have a *Common Seal*, for the sealing of such their demises and leases, and for the doing of all and every other thing and things, touching the said corporation; which said common seal the said corporation shall have power to break, change and new-make, so often as their affairs shall require.

14. And we will, and by these presents for us and our successors do grant and ordain, that they the said master or provost, senior fellows, fellows, professors, tutors, schoolmasters, scholars, exhibitioners and students, officers, servants and members of the said college, and every of them for the time being, shall be for ever ruled, governed and ordered by, and be subject to such wholesome

orders, ordinances, laws, statutes, rules & government, as now are made and in force, or hereafter shall be made, ordained constituted and appointed by us or our successors, with the advice of our councel for the time being, or by such visitors as from time to time shall be by us or our successors with the advice of our councel deputed and authorised thereunto.

15. And we have nominated, constituted & appointed, and by these presents for us and our successors, with the advice of our councel, do nominate, constitute and appoint our right trusty and right well beloved Sir Thomas Widdrington knight, speaker of the parliament of the commonwealth of England, Scotland & Ireland, and one of the commissioners of our treasury; and our right trusty and right well beloved John Lambert, major general & commander in chief within our counties of York, Durham, Westmorland, Cumberland, & Northumberland; and our right trusty & right well beloved Walter Strickland, one of our councel; and our right trusty & well beloved Algernoon earl of Northumberland; Thomas lord Fairfax, baron of Cameron; William lord Grey of Werk; George lord Eure; Philip lord Wharton; Thomas Bellasis viscount Fauconberg; major general Charles Howard; Sir Henry Vane knight; major general Robert Lilburn; and our trusty & well beloved Edmond Prideaux esq; our attorney general; William Ellis esq; our solicitor general; Sir Wilfrid Lawson knight; Sir Arthur Haslerigge bart; Sir George Vane knight; colonel Charles Fairfax; Sir William Strickland bart. Sir John Bourchier knight; Sir Thomas Lyddil bart. Luke Robinson esq; Henry Ogle esq; Robert Midford esq; Richard Lilburn esq; Will. Fenwick of Wallington in com. Northumb. esq; Christ. List. esq; Rowland Place of Dinsdale in the bishoprick of Durham; Richard Beke esq; Walter Boothby merchant and citizen of London esq; Luke Killingworth of Northumb. esq; John Rushworth esq; Robert Stappleton esq; Philip Babington of Northumber. esq; George Downing esq; Robert Cropley esq; Robert Fenwick of Bedlington in com. Northumb. esq; colonel Francis Wrenn; Paul Hobson of Seggerston-heugh gent. Robert Hutton of Houghton in the bishoprick of Durham esq; John Bright of Bridsworth in the county of York esq; John Wastell of Scorton in the county of York esq; George Smithson of Kipeling in the county of York esq; Jer. Tolhurst of the city of Carlisle esq; lieutenant colonel John Mayres; Adam Baynes of Newstrop in the county of York esq; Edward Fenwick esq; Gilbert Marshall of Houghall in the bishoprick of Durham esq; Thomas Lilburn of Ufferton in the bishoprick of Durham esq; Robert Ellison of the town of Newcastle gent. William Briscoe

of Cumberland esq; John Archer of Westmerland esq; Thomas Bateman of Westmerland esq; Henry Horsley of Northumb. esq; John Middleton of Darlington in the bishoprick of Durham gent. Timothy Tully of Westmerland gent. Thomas Ledgard of Newcastle esq; Matthew Skirfield gent. Ralph Rymer of Brafferton in the county of York esq; Francis Lascells of Stanke in the county of York esq; Thomas Harrison esq; sheriff of York; Thomas Langhorn of Perith gent. William Lister esq, Jeremiah Banyes esq; Sir Christ. Pack knight & alderman of London; Sir Robert Tichborn now lord mayor & alderman of the city of London; Stephen Estwick alderman of London; William Johnson alderman of Newcastle; Maurice Thompson esq; Robert Johnson alderman of Newcastle; Thomas Bonner alderman of Newcastle; Anthony Smith alderman of Durham; Henry Rowell alderman of Durham; Thomas Craister alderman of Carlisle; Thomas Watson alderman of Berwick, and George Dawson alderman of Newcastle; Samuel Hammond of Newcastle upon Tyne; Thomas Weld of Gateside in the bishoprick of Durham; Edward Bowles of the city of York; William Cole of Newcastle upon Tyne; William Durand of the same; Richard Gilpin of Greystock in the county of Cumberland; William Keys of Stoickley in the county of York; Thomas Trewren of Ovingham in the county of Northumb. Richard Prideaux of Newcastle upon Tyne; Henry Leaver of Branspeth in the bishoprick of Durham; Ralph Tunstall of Long-Newton in the bishoprick of Durham; Thomas Smalwood of Batley in the county of York; Will. Styles of Leeds in the county of York; John Milwerd & James Fisher of Sheffield in the county of York, ministers of the gospel; to be the first visitors of the said college, and of the revenues & possessions thereunto belonging. And we do likewise by these presents, for us and our successors, will & appoint, that major general Howard; Richard Lilburn of Tickley-Pincherden in the county of Durham; major general Robert Lilburn; Sir Thomas Liddel of Ravensworth in the county of Durham; Timothy Whittingham of Holmside in the county of Durham esq; the mayor of Durham for the time being; Anthony Smith alderman of Durham; John Middleton of Darlington in the county of Durham; Gilbert Marshall of Houghall in the county of Durham; Samuel Hammond of Newcastle upon Tyne, minister of the gospel; Henry Leaver of Branspeth in the county of Durham; and Thomas Trewren of Ovingham in the county of Northumberland; to be constant visitors of the said college. And that the other visitors before named shall have, hold, and enjoy their places of visitors of the said college for two years and no longer.

16. And the said visitors for the time being, or any nine or or more of them (whereof five of the constant visitors to be of the quorum) calling from time to time to their assistance a civil lawyer or public notary, shall have full power and authority, by virtue of these presents, to visit the said college and school, and and from time to time to order, reform and redress disorders and abuses in and touching the government of the said college and the school aforesaid; and further to censure, suspend, deprive, expel and remove, for misgovernment or misdemeanors, the master or provost, senior fellows, fellows, professors, tutors, scholars and exhibitioners of the said college, and the schoolmasters, ushers, exhibitioners and scholars of the said school in Durham, and other members, servants and officers of the said college and school in Durham for the time being, according to the statutes, orders and ordinances of the said college, and according to the statutes, wills and testements, or other dispositions of the founders and benefactors of the said college and school hereafter to be made respectively, so that no visitation, act or thing in or touching the same be had or done otherwise than with the consent or assent of six of the said nine visitors at least, assembled in the college-hall or school by them visited: And we will, that their sentence and statutes, order and orders, be entered or recorded by the said public notary in a book to be kept by them the said visitors for that purpose; and that the same shall be subscribed with the hands of them, or of the greater part of the said nine visitors, so met and consenting as aforesaid: And that they the said visitors of the said college and school for the time being, or any nine or more of them, shall from time to time have power, and are hereby authorised, at any time or times hereafter, to elect and choose a new constant visitor and visitors, or any other visitor or visitors, so often and from time to time as any of the said visitors shall happen to die, or to relinquish and leave their places, or be removed therefrom; and that they the said visitors, and the master or provost of the said college for the time being, or any of them, may give an oath to any person or persons touching the premisses, so often as occasion shall require.

17. And our will is, and we do hereby further, for us and our successors, grant and ordain, that when and as often as the said visitors, or other person or persons (to whom the nomination, election, approbation, and admission of any of the aforesaid visitors, master or provost, senior fellows, tutors, scholars, or exhibitions of the said college or any of them, or of the register, public notary, or other officer or officers of the said college doth or shall belong) according to the true intent and meaning of these

presents or of the statutes of the said college by us or our authority already made or hereafter to be made, do or shall neglect or omit to make election of fit persons to the said places of mastership, fellowship, scholarship, or other places or offices within the said college during the space of three months, from the time of vacancy of any of the said places; that then and so often it shall and may be lawfull for the master or provost and fellows of the said college for the time being, or the greater number of them, to elect into the said places so being void by the space of three months as aforesaid, such person or persons as to them shall seem most meet and best agreeing to the said statutes of the said college, to the end the said places so void may be full, and to admit such person or persons by them so elected into the said places respectively, which said person or persons so elected, shall enjoy the said place or places, and be invested with the profits, rights and privileges thereof, as absolutely as if he or they had been chosen by the said visitors or other the electors as aforesaid.

18. And further we will, and by these presents for us and our successors, do grant and ordain, that if any difference, debate or controversy touching the premisses, shall at any time hereafter arise between the said visitors and the master or provost, fellows and scholars of the said college, or any of them; that then, upon complaint made to the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal of England for the time being, they shall have full power and authority, by vertue of these presents, to hear the said complaints, dissentions, & controversies, and to compose, decide, order and determine the same, as to them in their judgments and wisdoms shall seem just and fit; and such order and determination of the same, as they shall set down in writing, under their hands and seals, shall stand and be observed.

19. And our will is, and we do hereby further grant & ordain for us and our successors, that the said master or provost, senior fellows and visitors of the said college for the time being, or any twelve or more of them, shall have power, and are hereby authorised, from time to time to compose, set down, prescribe and make such orders, rules, statutes and ordinances, for the better ordering government and good rule of the said college, and of the master or provost, senior-fellows, fellows, professors, tutors, schoolmasters, exhibitioners and students of the said college; and for the ordering, government and good rule of the schoolmaster, ushers, exhibitioners and scholars of the said free school at Durham, as to them shall seem meet and convenient; so as the said statutes, ordinances, rules and orders by them made, be not

repugnant or contrary to the laws and statutes of this commonwealth, nor to any statute, ordinance or order, which hath been made, or hereafter shall be made by us and our successors, or by our councel, for the good government of the said college and school, nor to any clause or clauses of these presents, nor contrary to the last wills or testements, or other settlements of any that shall be founders or benefactors of the said college or school.

20. And our will is, and we do by these presents for us and our successors, further grant to them the said master or provost, fellows, and scholars of the said college, and to their successors, that by virtue of these presents, they shall and may from time to time set up, keep and maintain a printing press and a rolling press in the said college or city of Durham, by themselves or servants there, or any of their deputy or deputys; and to buy paper, iron, tin, letters, and all other things thereunto or to any part of the printer's work, trade or mistery, necessary and convenient; and to do every thing and things necessary to so profitable a work: Which said printing and rolling presses shall be free and exonerated and discharged of and from all customs and impositions whatsoever, of, for, and concerning the same; and that the said master or provost, fellows and scholars of the said college for the time being and their successors, may from time to time print or cause to be printed, Bibles of all or any kind of volumes, and may licence other books to the press: Saving unto all and singular other person and persons whatsoever, their several and respective rights and privileges for printing Bibles and licensing books: It being our true intent and meaning, that nothing in these presents contained shall any ways prejudice any such person or persons, but that they shall have and enjoy their said respective rights as amply as they could or might have done before the granting of these our letters patent, any thing herein contained to the contrary notwithstanding; and the said master or provost, and senior fellows of the said college for the time being, or any two of them, shall from time to time have like power and liberty to license any work or works, book or books, to the press, as any licenser or licensers in the city of London or elsewhere in our dominions have had, or might enjoy by vertue of any order or ordinance of parliament, or any order of our councel, or by any other power and authority from us derived or deriveable, may or ought to have hold or enjoy: And we will that no printer or printers, stationer or stationers, merchant or merchants, shall at any time hereafter imprint, or cause to be imprinted, any work or works, book or books, taledeux or taledeuxes, or to import being elsewhere printed, any such formerly

printed by the said college or their said deputys, on the penalty provided for such as contemn our authority, or the authority of our councel.

21. And our will is, and we do farther by these presents, for us and our successors, give and grant unto the said master or provost, fellows and scholars of the said college and their successors, that they nor any of them, nor any of the professors, schoolmasters, students, scholars or exhibitioners of the said college, nor any of their constant and ordinary officers, servants or ministers, or any of them, so long as they continue in any office, place or service, in or belonging to them the said master or provost, fellows or scholars of the said college or their successors, shall at any time hereafter be compelled by any justices of the peace, constables, or any other offices, to do, perform or execute, in their own proper person, or any of their proper persons, or by any other person or persons, any watching, warding or mustering, or any hue and cry; or be elected or appointed to any office of mayor, sheriff, bailiff, constable, tythingman, bursholder, minister, steward, serjeant, marshal, churchwarden, sidesman, overseer of the poor, surveyor of the highways, scavenger, or any other such like office whatsoever, or to make any suite at any sheriffs hundred or lasts of hundreds, or to serve on any jury or jurys or grand inquests.

22. And our will is, and we do further by these presents of our especial grace and bounty, and of our mere motion and certain knowledge, for us and our successors, give and grant unto the said master or provost, fellows and scholars of the said college, and their successors, that they are and shall be now and at all times for ever hereafter exempt, exonerated, discharged and acquitted, of and from the payment of all taxes, customs, and other duties whatsoever; and that the horses of the said master or provost, senior fellows, professors, tutors, and fellows of the said college, shall not be taken to ride post.

23. And lastly, we do by these presents grant unto the said master or provost, fellows and scholars of the said college, that they shall have these our letters patents in due manner made and sealed, with our great seal of England, without fine or fee, great or small, to be therefore paid to us in our hanaper or elsewhere to our use. In witness whereof we have caused these our letters to be made patents. Witness ourself at Westminster the 15th day of May in the year of our Lord 1657. By writ of privy seal.

BEALE."*

* The original is in the dean and chapter's library at Durham, wrote on vellum, and beautifully illuminated with Oliver's picture, arms, and several emblematical designs, whereof the above is a true copy.—G. A.

" TO his highness Oliver lord protector of the commonwealth of England Scotland and Ireland and the dominions and territories thereunto belonging.

" The humble peticion and address of the justices of the peace and grand jury at the sessions of the public peace held at Durham the 21st day of April in the year of our lord one thousand six hundred fifty and eight, on the behalf of themselves and this county.

" May it please your highness,

" Haveinge seriouslye considered the zeal and forwardness that for many years hath appeared in your highness for the advanceing of the glory of God, in propagating the gospel of the Lord Christ, and the peace and safety of the nations (which the Lord we hope in mercy doth eminently bless towards your highnesses government) and in bringing them (by the power of the Almighty) to a happy composure, though doubtless dissatisfied and disaffected persons, from whom your highness and the good people of these nations might have expected better things, have endeavoured the disturbance of our peace and safety both at home and abroad, tending to the alienating the affections of the good people thereof from your highness and the public peace, endeavouring to invole us in a new war; and least such practices should give advantage to other enemies who continue restless in their endeavours, even to the imbrewing those nations again in blood, which probably might have taken effect, had they not thro' the good hand of God in your highnesses care and wisdom been timely prevented: We have thought fit to make this humble address unto your highness, to testify how sensible we are of our sad conditions yf we arrive not at a settlement, and that your highness may even see your people enjoy so great happiness, which you have so evidently been contending for, and we shall through the help of the Almighty, assist you with the hazard of our lives and estates for the preservation of your person, and stand by your highness, in pursuance of further settling the peace and priviledges of these nations now under your highness, and earnestly seek the Lord, that you may be strengthened with a large portion of the spirit of God, so as may be for the glory of him (to whom we owe all) and the good of his people, which shall be the constant prayer of us all.

Tymo. Whittingham, sheriff.

Justices.	*The grand jury.*	
Fr. Wrenn	Robt Sharpe	Anth. Richardson
Geo. Lilburne	Rd Carr	John Smithson
Hen. Eden	William Butler	John Hopper
Antho. Smith	Robt Johnson	Michael Johnson
Tho. Delavale	Tho. Mawer	Tho. Rowe
Tho. Lilburne	Tho. Trotter	Tho. Wake
Richard Rowe	August. Hixon	Rich. Shepherdson."
	John Whitfield	

The scheme for erecting the college not being carried into full execution before Oliver's death, and Richard his eldest son being proclaimed protector, on the 4th of September 1658, the following address was presented to him.

"To his Highness RICHARD Lord Protector of the commonwealth of England, Scotland & Ireland, & the dominions & territories thereunto belonging: The humble address of the provost & fellows of the college at Durham.

"May it please your Highness,

"WHEN the Roman commonwealth was almost ruined by a succession of civil wars, it pleased Divine Providence to raise up Octavius Cæsar as a happy mean to put a period to those destructive factions, and begin its peaceful and flourishing state. A glorious instrument in Gods hand of the like effects in this commonwealth was your Highness renowned father, who as well deserved the sirname of Augustus as the former: For who more increased with admirable internal endowments and external honors? or who more succesful to make up the ruines, and increase the well being of a broken state than HE? In whom the warlike prowess of our Fift Henry, and the prudence of our Seventh Henry, and the piety of our Sixt Edward were happily conjoin'd, on whom was fulfill'd the ancient wish of the Romans at the inauguration of their emperors, *Sis Augusto fœlicior, sis Trajano melior.* As soon as, by the good hand of God following him with unparallel'd success, he had laid the storm of our civil wars, he presently set his heart to endeavour the repairing of these decays which arms had made on learning; and this he did by affording all countenance and encouragement to our two famous universities. Also (considering that these northern counties, as they are too remote from the lightsome, warm and cherishing influences of the sun; so are they from those fountains of light, for the better propagating of learning & religion in them) he set his heart on a design of erecting a college in this city of Durham; which with mature advice of his council, he effected by patent under his great seal, founding a college here, & endowing it with such a proportion of revenue as at the present he could conveniently dispose of to such a use, and such privileges as were needful to such a society. The public concernment of the work, together with his Highness zeal and resolution for the effectual carrying it on, encouraged us, who were nominated thereto, to undertake the same; though we well knew what censures we were like to meet with, & what opposition & discouraging difficultys, works of this kind at the first beginning use to be encountered

with. Scarcely were we set down there, but it pleased the wise God to remove his Highness from an earthly sceptre to an heavenly crown & glory: Whereon this new erection was left an orphan scarce bound up in its swaddling cloaths; but the Lord having placed your Highness in your father's seat, as supreme magistrate of this commonwealth, for the continuance of that happy peace and liberty, which under God, owes itself to that admirable valor, wisdom, and success which was in him; we do humbly, with much confidence, promise to ourselves, that your Highness will readily both cherish and promote that work, which out of his desire of the good of these parts, your excellent father gave a laudable beginning to: That so that college may remain as a monument of his love of learning no less perpetual, than those many trophies of his victorious military abilities. We, with all the pious and peaceful members of this commonwealth, do bless our gracious God, for his providing for the continuance of our peace and liberties, by setting your Highness in your father's throne, & do say with Haram in the case of Solomon, *Blest be the Lord this day, which hath given our late renowned protector a wise son over this great people, and because the Lord loved his people, hath he done this thing;* beseeching the Father of Mercies to make your Highness as heir to all your fathers matchless abilities for war and government, so of his love, zeal and resolution to promote this work which he began in this place; that by the vital beams of your piteous aspect, it may be cherished and grow, 'till it bear much fruit, for the good & happiness of these parts in the land, in which it was planted by a hand which never miscarried in any of its high and magnanimous atchievements; So pray Your Highness humble servants."

This orphan college thrived apace; it endeavoured to confer degrees, and mimic its grown-up sisters of Oxford and Cambridge, who checked its presumptions by *petitions to the new protector. But in less than two years the ill-patched machine of government fell to pieces, and with it this new seminary for knowledge.†

In Oliver's three parliaments representatives were formally summoned from this county: In the first Henry Dawson (alias Davison) represented the county; the city sent no member. In the second colonel Robert Lilburne, esq; of Thickley-Puncher-

* A petition was presented to Richard (then protector) from the universities of Cambridge and Oxford, and some were sent up from both those places to give reasons against a third university, and especially against conferring any degrees there, which was much endeavoured by some; whereupon a stop was put to it.

† Pennant's Tour in Scotland, p. 335.

don, and George Lilburn of Sunderland, were members for the county; Anthony Smith, esq; for the city. In the third, Thomas Lilburne of Ufferton, and James Clavering of Axwell, esqs; were members for the county; Anthony Smith, esq; for the city.*

Bishop Morton is described to have been low in stature, clean-limbed, of a strong body, excellent constitution, constant and uninterrupted health, and of a comely and affable countenance. Even in his old-age, his carriage was upright, his actions sprightly, his hearing quick, his voice clear, his body firm and full of moisture, so that no physician in the world would have believed him near the age he was, if, in considering his person, he had not regarded the remarkable whiteness of his hair. He was of a quick wit, solid judgment, and retentive memory: As he was a man of great erudition, so was he also extremely studious and diligent, and was never idle without being unhappy: He was often at his devotion and study before four in the morning, even when above eighty years of age, seldom went to bed till af-

* This indenture made the twentieth day of August in the year of our Lord one thousand six hundred fifty and six, at the city of Durham in the county of Durham, between George Lilburn esq, sheriffe of the county aforesaid of the one part, and Richard Rawe esq; Robert Ellison esq; John Emerson esq; captaine Robert Sharpe, and William Carr, gentlemen, and divers other persons qualified and capable to elect members to serve in parliament for countyes, as is prescribed in the government of the commonwealth of England, Scotland, and Ireland of the other part; witnesseth, that proclamation having bene made in every markett town in the county aforesaid, within tenn days after the receipt of a certain writt of the lord protector, to the aforesaid sheriffe directed, and to one part of these indentures annexed, for the election of two knights, fit and discreet persons of the county aforesaid, for the parliament of the said lord protector in the writ aforesaid specified to be chosen, and to be at the parliament of the said lord protector at Westminster in the county of Middlesex, the seaventeenth day of September next to be held: The aforesaid Richard Rawe esq; Robert Ellison esq; John Emmerson esq; captaine Robert Sharpe, and William Carr, gentlemen, and divers other persons of the county aforesaid, who were present at such election, freely and indifferently have chosen two knights, girt with swords, (that is to say) Thomas Lilburn of Ufferton, and James Claveringe of Axwell within the county aforesaid, to be in the parliament aforesaid, as in the said writ is mentioned, who for themselves, as also for all the people of the county aforesaid, have full and sufficient power to doe and consent unto those thinges, which in the aforesaid parliament shall then and there by common consent and councell happen to be ordeyned. Provided, and it is hereby declared, that the persons so chosen shall not have power to alter the government as it is now settled in one single person and a parlament.† In witness whereof, as well the seal of office of the said sheriffe, as also the seals of the electors aforesaid, the day yeare and place aforesaid to these indentures are putt and affixed.

Richard Rawe, Robert Ellison, John Emerson,
Robert Sharpe, Thomas Sanderson, Charles Wren, and 192 others.

[Indorsed Indentures for the Parlament 1656.]

Penes THO. GYLL.

† This parliament was assembled 17th September 1656, and continued sitting till the 26th June 1657, when it was adjourned to 20th January, and, after fifteen days sessions, dissolved 4th February following, 1657-8.

ær ten, and then had a servant to read to him till he wished for repose; he had also one to read to him in his coach as he travelled, so anxious was he that his mind should not lose a moment's instruction. Of his moral qualifications the account is equally favourable: He was a man of exemplary piety, temperance, sobriety, and great hospitality. Dr Barwick says, "his conversation was such, for piety and devotion, as well became a Christian and a bishop." He never would endure a soft bed, but laid upon a straw mattrass, even when above fourscore, till his infirmities obliged him to change it: His study gown was sometimes of a coarse, black, hairy rug; and he seldom exceeded one meal a day, which was supper in his middle age, and dinner in the decline of life: Wine or strong drink he seldom ever tasted; for his health being good, and his bodily infirmities trivial, abstemiousness contributed much to the protection of his constitution: He was never married, yet lived an irreproachable life, even in youth; and, full of good works, piety, virtue, dignity of manners, and full of days, he met his approaching dissolution with religious peace and holy faith. He was buried the 29th of September, in the chancel of the church of East-Manduit, Northamptonshire, where a monument was afterwards erected to his memory, with an epitaph* composed by Dr Barwick, who administered to him in his last sickness, and preached a funeral sermon at his exe-

* In memoriâ sacrâ
Heic vivit usque, & usque vivat
Exiguum etiam illud quod mortale fuit
Viri { Pietate / Literis } { Hospitalitate / Eleemosynis } Celeberrimi,
Reverendi in Christo patris ac domini
Thomæ Dunelmensis episcopi
Eoque nomine Palatini Comitis,
Clara Mortonorum familiâ oriundi;
Quem Richardo peperit Elizabetha Leedale,
Sexto de novemdecim puerperio,
Eboraci in lucem editum:
Quem collegium S. Johannis Evangelistæ
In academia Cantabrigiensi perquam nobile
Alumnum fovit instructissimum,
Socium ambivit selectissimum,
Benefactorem sensit munificentissimum;
Ornamentum perpetuo celebravit singulare.
Marstoniensis, / Alesfordiensis, / Stoffordiensis, } Rectorem sedulum.
Eboracensis, Canonicum pium.
Quem ecclesia { Glocestriensis, / Wintoniensis, } Decanum providum.
Cestriensis, / Leichf. & Coventr. / Dunelmensis, } Præsulem vigilantem habuere.

quies, which were attended with a great concourse of the clergy and people. This sermon together with the bishop's life composed by him, he afterwards published, and dedicated it to the king.

After a series of twenty years of the most dreadful anarchy and confusion, and twelve years total subversion of the constitution, the face of England was entirely changed by the restoration of Charles II. People of all ranks were so harrassed with the sufferings and distractions they had witnessed, that on the alteration there was a general rejoicing; the state was restored to its former order; and the church re-established in its dignities and offices. This palatinate remained several months without its prelate and governor after the king was restored; for it was not till the 2d of November, 1660, that

JOHN COSIN, S. T. P.

dean of Peterborough, was elected to the bishopric: He was

Qui, post plurimos pro sanctâ ecclesiâ Christi catholicâ,
Exantlatos labores,
Elucubrata volumina,
Toleratas afflictiones,
Diuturnâ (heu! nimium) ecclesiæ procellâ
Hinc inde jactatus,
Huc demum appulsus,
Bonis exutus omnibus
Bonâ præterquam famâ & conscientiâ)
Tandem etiam & corpore,
Senex & cœlebs,
Heic requiescit in domino;
Felicem præstolans resurrectionem,
Quam suo demum tempore bonus dabit Deus. *Amen.*
Nullo non dignus elogio;
Eò vero dignior, quod nullo se dignum æstimaverit.

Obiit crastino S. Matthæi, } Anno } Salutis M DC.LIX.
Sepultus festo S. Michaelis, } } Ætatis XCV.
} Episcopatus XLIV.

In Barwick's life of this prelate, we have a full account of the several works he published. Also in Biog. Brit. p. 3185.——"It is true indeed this reverend bishop "had somewhat more money by him at his death, according to the number of pounds, "though less according to the value and proportion of money now, than what it was "then. But to be sure he died far poorer in estate, for his debts were either none or "desperate, which is all one; and his goods were either plundered or sold, not ex- "cepting his books in his life-time. Of that small remnant which his professed "enemies, seeming friends, and urgent necessities had left him, he gave 40l. to one "of his servants that attended him at his death, having abundantly provided for the "other in his life, and ten pounds to the poor of the parish where he died, and his "chalice with a patin for the cover, both double gilt, to the noble baronet in whose "family he died, for the use of his chapel lately built. The rest, deducting some "small rememberances, he ordered for his burial, which, though not much above 100l. "was so well husbanded as to have a small remnant for a monument at his own "charge."——Barwick, p. 126.

onsecrated on the 2d of December, enthroned by proxy on the th, and received restitution of the temporalities on the 14th of he same month.

Bishop Cosin* was the eldest son of Giles Cosin, a citizen of Norwich, by Elizabeth his wife daughter of —— Rennington, f Rennington-castle, a good and ancient family. He was born t Norwich on the 30th of November, 1595;† and educated at he free-school there till he attained the age of fourteen. When hirteen years of age, his father died, and left him several houses, which he gave up to his mother, reserving only 20l. yearly for is maintenance at Cambridge.‡ In 1610 he was sent to Caius ollege, Cambridge; where he was successively chosen scholar nd fellow, and regularly took his degrees in arts: Having istinguished himself by his learning, diligence, and fine parts, n the year 1616, at about the age of twenty, he had offers at the ame time both from Dr Lancelot Andrews then bishop of Ely, nd from Dr Overall bishop of Litchfield, of a ‖librarian's place; nd by his late tutor's advice, accepted the interest of the latter, who liked him so well, that on account of his knowledge and fair writing he made him also his secretary, and committed to him he care of his episcopal seal: At the same time he encouraged im to study divinity, and sent him from time to time to keep is exercises in the university: But in 1619 he lost his excellent atron, and with him all the hopes he had entertained of advance- nent. Providence soon supplied the loss, and gave him a more munificent friend in Dr Richard Neile, then bishop of Durham, who took him for his domestic chaplain, and in 1624 appointed im to the tenth prebend in the cathedral there, into which he vas installed the 4th of December in that year. All the time he njoyed this prebend, which was about six and thirty years, he vas constant in his residence, and kept an hospitality consis- ent with the statutes of that church; so that Dr Basire asserts, pon search of the register of that cathedral, he could not find ne dispensation for him in all the time he continued a preben- lary. He was very attentive to the rights, privileges, and anti- uities of the church, compared the repertorium with the original ecords, and marked what were wanting. In September, 1624, he vas collated to the archdeaconry of the East-Riding in the church f York, vacant by the resignation of Mamaduke Blakestone,

* Sandcroft's Col. Curiosa, vol. ii. p. 19.

† Biog. Brit. vol. iii. p. 1474. ‡ Ibid.

‖ By keeping this library he began to learn, "quanta pars eruditionis erat bonos oscæ auctores," (which was the saying of Joseph Scaliger) in the knowledge of which he would instruct him.

whose daughter he had married; and on the 20th of July, 1626, was collated by the bishop of Durham to the rectory of Brancepeth in that diocese, where he first displayed his abundant taste for ornament and elegance, by beautifying that church in an extraordinary manner: The same year he took his degree of bachelor in divinty. About that time, having frequent meetings at the bishop of Durham's house in London with Dr William Laud then bishop of Bath and Wells, Dr Francis White soon after bishop of Carlisle, Dr Richard Montague, and other learned men, distinguished by their zeal for the doctrine and discipline of the church of England, he began to be obnoxious to the puritans, who in the heat of spirit regarded divines of Mr Cosin's cast as being affected to the Romish church. A book he published in 1627, entitled 'a Collection of Private Devotions,' met with their particular censure. Dr Smith says, "It was written "at the command of Charles I. who thought it expedient this "manuel of prayers should be composed to take place of such "books as he discovered were much in the hands of the queen's "attendants." The title page sets forth, that 'It was formed 'upon the model of a book of private prayers authorised by queen 'Elizabeth in the year 1560.'*

In 1628 he was concerned. with other members of the church of Durham, in a prosecution against Peter Smart, a prebendary there, for a seditious sermon preached in that cathedral:† About

* The top of the frontispiece had the name of Jesus in three capital letters I. H. S. Upon these there was a cross encircled with the sun, supported by two angels, with two devout women praying towards it. This book was severely animadverted upon by Henry Burton, in his 'Examination of Private Devotions, or the Hours of Prayer, &c.' and by W. Prynne, in his 'Brief Survey and Censure of Mr Cosin's cozening Devotions, &c.'

† Smart who had been a Schoolmaster at Durham, was collated 30th Dec. 1609, to the sixth prebend in the church of Durham, and removed the 6th of July, 1614, to the fourth prebend; he had also other preferments. Being to preach the 7th of July, 1628, in the cathedral at Durham, he took for his text Psalm xxxi. 7. *I hate them that hold of superstitious vanities.* From which he took occasion to make a most bitter invective against some of the bishops, charging them with no less than popery and idolatry. Among other virulent expressions, he had these: "The whore of "Babylon's bastardly brood, doating upon their mother's beauty, that painted harlot "of the church of Rome, have laboured to restore her all her robes and jewels again, "especially her looking-glass the mass, in which she may behold her bravery. The "mass coming in, brings with it an inundation of ceremonies, crosses, and crucifixes, "chalices and images, copes and candlesticks, tapers and basons, and a thousand such "trinkets, which we have seen in this church since the communion table was turned "into an altar. I assure you the altar is an idol, a damnable idol as it is used. I "say they are whores and whoremongers; they commit spiritual fornication who bow "their bodies before that idol, the altar, &c." For this sermon, he was questioned first at Durham, afterwards in the high commissioned court at London, from whence he was removed at his own desire to that at York, where refusing with great scorn to recant, he was for his obstinacy degraded, and, by sentence at common law, soon

the same time he took the degree of docter in divinity: and on the 8th of February, 1634, was elected master of Peter-house, in the room of Dr Matthew Wren, newly made bishop of Hereford, in which station he applied himself earnestly to the promotion of learning and religion. He served the office of vice-chancelor for the university of Cambridge, in 1640; and the same year, Charles I., to whom he was chaplain, conferred upon him the deanry of Peterborough, in which he was installed on the 7th of November: But he did not long enjoy that dignity; for on the 10th of the same month, a petition from Smart was read in the house of commons, wherein he complained of the doctors superstition in innovations in the church at Durham, and of his severe prosecution in the high commission court; whereupon, on the 21st of the same month, Dr Cosin was ordered to be sent for by the serjeant at arms, and a committee was appointed to prepare a charge against him. Soon after, he presented a petition to the house, which on the 28th following, was read and referred to a committee. On the 3d of December the serjeant had leave given him by the commons to take bail for Dr Cosin, which was accordingly done, on the 19th of January, 1640-1, the doctor himself being bound in 2000l. and his sureties in 1000l. each, for his appearance upon summons. On the 22d of January he was, by a vote of the whole house, sequestered from his ecclesiastical benefices; being the first example of that kind among the clergy. Rapin says, "Mathew Wren, bishop of Norwich, and afterwards "of Ely, the bishop of Bath and Wells, and Cosin prebendary "of Durham, were all of the same principles, and seconded "bishop Laud in using all industry and credit to humble the "puritan party; that is not only the presbyterians, but also the "Calvinists, and such who would not patiently bear the yoke of "servitude." On the 15th of March, the commons sent up one-and-twenty articles of impeachment against him to the house of

after dispossessed of his prebend and livings; whereupon he was supplied with 400l. a year by subscription from the puritan party, which was more than all his preferments amounted to.—As for Dr. Cosin, he was so far from being Mr Smart's chief prosecutor, as he averred, that after he was questioned in the high commissioned court, he never meddled in the matter, save that once he wrote a letter to the archbishop of York and the commissioners in his favour.—Mr Smart's character is not represented to any great advantage. One author indeed (Fuller) calls him "a man of grave aspect and reverend presence;" but Cosin, who knew him better, says, "That he was an old man, of a most froward, fierce, and unpeaceable spirit." He had not preached in the cathedral church of Durham, though prebendary of it, for seven years, till he preached that seditious sermon for which he was questioned. And whilst he held and enjoyed his preferment, and his health too, he seldom preached more than once or twice a year.——Biog. Brit. p. 1475.

lords: As they relate chiefly to the ceremonies of the church at Durham, they will be fully inserted in that part of this work.* The doctor put in an answer, upon oath, to the several allegations, and so fully vindicated himself, during the five days the affair was depending before the lords, that most of them acknowledged his innocence; and Mr Glover, one of Smart's counsel, told him openly, at the bar of the house of lords, "that he was was ashamed of him, and could not in conscience plead for him any longer;"† on which the lords dismissed the doctor, upon his putting in bail for his appearance; but they never sent for him again. About the same time, upon a motion made in the house of commons, "That he had enticed a young scholar to popery,"

* This great man seems to have been assaulted from all the batteries of the republican party. As it happened, they had picked out an object of their spite, against whom no accusation would stick. They shewed that they would take the shortest way with the church; that they would attack her in her strongest fortresses, and defeat her of any support. For if the brightest and most unexceptionable men of her men of her body could not escape their loudest clamours and severest treatment, where should the rest of less merit and greater imperfections appear?——They might with as good a face have made Dr Cosin a mahometan as a papist. Against popery was the cry of all those who where endeavouring to make way for it; for there was none so effectual a method as to reduce the nation to no religion at all. It is not enough to say, in reformation there are no bounds, no end. That giving up one point is but making way to demand another, &c.———Lives of the Eng. Bishops, London, 1733.

Fuller's account of this matter of Smart's, lib. xi. p. 173, is to the following effect:

"Hereupon he was kept prisoner four months by the high commission of York, before any articles were exhibited against him, and five months before any proctor was allowed him. Hence was he carried to the high commission at Lambeth; and after long trouble remanded to York, fined 500l. committed to prison, ordered to recant; and for neglect thereof fined again, excommunicated, degraded, and deprived; his damage amounting to many thousand pounds.

"But now Mr Rouse of the house of commons, bringing up the charge to the lords against Dr Cosin, termed Mr Smart the *protomartyr of England in these latter days of persecution;* and large reparations were allowed unto him, though he lived not long after to enjoy them.

"Now, though none can excuse and defend Dr Cosin his carriage herein, yet this must be reported to his due commendation: Some years after, getting over into France, he neither joined with the church of French protestants at Charentoun nigh Paris, nor kept any communion with the papists therein, but confined himself to the church of old English protestants, &c. &c."

† It was supposed there was a settled design to introduce popery, and that several bishops and other clergymen were in the plot. The archbishop of Canterbury, the the bishops of Ely and of Bath and Wells, Dr Cosin, secretary Windebank, and some others, were accused of being chiefly concerned in this affair, which was openly said to be managed by the queen and her confidants. Though this charge was perhaps carried too far with respect to the private persons, it can hardly be denied that they gave some cause for it by their proceedings. Their hatred to the presbyterians made them not scruple to make too near approaches to popery, in order to be at a greater distance from presbyterianism. This if I am not mistaken, was the true cause of all the innovations introduced into the public worship, and of the inviolable attachment to the observance of certain indifferent or needless customs and ceremonies. ———Rapin, p. 364.

he was committed to the serjeant at arms, to attend daily till the house should call him to a hearing: After fifty days imprisonment, and charges of twenty shillings a day, he came at length to a hearing; when he made it appear, that being vice-chancellor of Cambridge, he had most severely punished that young scholar, (whom upon examination he had found guilty) by making him recant, and expelling him the university; to which several of the members bore witness: However the doctor had no manner of reparation made him for his great trouble and expence, a circumstance which conveys no favourable idea of the justice and honesty of that house. In 1642 he was concerned with others, in sending the plate of Cambridge university to Cha. I. then at York, for which a furious storm fell upon several members of the university, and particularly upon Dr Cosin, who having been some time before voted unworthy to be a head or governor of either of the universities, or to hold or enjoy any ecclesiastical promotion, was ejected from his mastership by a warrant from the earl of Manchester, dated the 16th of March 1642–3; so that, as he was the first that was sequestered, so was he also the first of his university that was turned out. Thus being deprived of all his preferments, and still fearing the worst that might follow, he thought fit to leave the kingdom and withdrew to Paris, in the year 1643: Being safely arrived there, according to king Charles's order and direction, he took under his care, and officiated as chaplain to such of queen Henrietta-Maria's household as were Protestants; with them, and other English exiles that were daily resorting to Paris, he formed a congregation, that assembled at first in a private house, and afterwards in the chapel of Sir Richard Brown, ambassador from the court of England to that of France. Not long after he had lodgings assigned him in the Louvre, with a small pension, on account of the relation he bore to queen Henrietta. During his residence in this place, he shewed how false and groundless the imputation was that had been thrown upon him, of being inclined to the Romish church; for, notwithstanding the difficulties of his situation, he remained steady and unmoved in the profession of his religion; he kept up the English church discipline, and the form of worship appointed by the Common-prayer; he reclaimed several that were wavering in their principles, and had many controversies and disputes with the ecclesiastics of the country, particularly with the prior of the English Benedictines in Paris, in which he acquitted himself with so much learning and sound reasoning, that he utterly defeated the suspicions of his enemies, and much exceeded the expectations of his friends. "Great offers of preferment were made him,"

Nelson says,* "if he could have been tempted to have swerved in his religion." He composed, during his exile, many learned works, which Dr Basire particularly mentions. Though he was extremely zealous for the doctrine and discipline of the church of England, yet he continued a friendly intercourse and correspondence with the Protestant ministers at Charenton, who on their parts expressed the utmost regard for him; and permitted him sometimes to officiate in their congregations, according to the rites prescribed by the book of Common-prayer. Thus having, during his seventeen years exile in France, behaved discreetly and prudently, even in the judgment of his enemies, he returned to his native country at the restoration of Charles II., and again took possession of his preferments and dignities. About the end of July 1660, he came to his deanry at Peterborough, and was the first that read the Common-prayer in that cathedral after the times of confusion. But here he was not suffered to rest; for the king designed a very little while after to make him dean of Durham; but, reflecting on his sufferings, and his constant attendance and services beyond the seas, he nominated him bishop of that rich See: Accordingly he was consecrated on the 2d of December, 1660, in Westminster Abbey. As soon as he had taken possession of his diocese, he set about reforming many abuses that had crept in during the late anarchy, and by his generous and hospitable temper, accompanied with a kind and courteous deportment, he gained an universal respect and esteem. He was appointed by the convocation to draw up a new book of canons.

Charles II. had a design of honouring several of the gentlemen of this diocese, among others, with a new knighthood, which he intended to establish in commemoration of his miraculous preservation, called Knights of the Royal Oak, for which a return was made of fit persons with their qualifications, as in the notes.†

* p. 519.

† A list of persons names, who were fit and qualified to be made knights of the royal oak; with the value of their estates A. D. 1660.——Eng. Baronetage, p. 365. vol. iv. 8vo.

Comitat. Durham.

	£.
Col. William Blakeston, esq;	600 per annum.
Anthony Byerly, esq;	600
John Tempest, esq;	1000
Col. Robert Eden, esq;	1000
Mark Milbanke, esq;	2000
Ralph Millet, esq;	600
Samuel Davison, esq;	600

Comitat. Northumberland.

Sir William Foster, knt.	1000
Daniel Collingwood, esq;	600

In order to prevent confusion among the members of the chapter, in the year 1661, the bishop issued an explanation of the statute touching residence.* His first visitation of the dean and chapter was on the 19th of July, 1662, after which he frequently repeated that ceremony, and gave excellent injunctions therein: He appointed all the usual officers within the palatinate;† and, in the year 1666, confirmed to the burgesses of Stockton their charter for a market and fair.‡ He chiefly distinguished himself by his great munificence and charity, and by his public spirit; for considering himself principally as steward of the large revenues belonging to his See, he laid out a great share of them in repairing and rebuilding the several edifices belonging to the bishopric, which were either demolished or neglected during the civil

	£
Charles Howard, esq;	600 per annum.
Sir Thomas Horsley, knt.	1000
George Collingwood, esq;	800
Robert Shaftoe, esq;	1000
——— Thornton, of Netherwitton, esq; ...	800
Thomas Beewicke, esq;	2000

The bishop in the first year of his episcopacy granted the following singular licence:

JOHN by the providence of God bishop of Duresme. To all justices of peace sheriffes bailiffes and other officers whatsoever within the county palatine of Duresme and Sadberge greeting. Knowe yee that whereas wee have beene informed crediblely on behalfe of Henry Shaw yeoman that he is a free boroughman of Darlington and that he and his ancestors have solde grocery and other wayres in Darlington as a chapman there and that he hath noe other trade or calleing whereby he can maintaine his wife and many small children and familie haveing onely one small house in Darlington and haveing bene lately molested for useing that trade as not haveing served an apprentice thereunto by the space of seaven yeares, contrary to the forme of the statute in that case made and provided and still greatly feareing to be troubled for the same wee neverthelesse heareing that the said Henry Shaw is of good name and faime amongst his neighbers and haveing consideration of his poore state for diverse causes us moveing as much as in us is are content to lycense tolerate and suffer the said Henry Shaw to use and exercise the trade and occupation of a grocer or merchant or chapman within the towne of Darlington aforesaid or elsewhere within the said county palatine of Duresme and Sadberdge not willing that he in or for exercising of the said trade shall from henceforth be impeached mollested fined sued or any way disquieted by us or our successors or any justices the sheriffs or other bailifes or officers within the county palatine aforesaid for any fine forfiture or penaltie which by reason thereof or by force of the statute aforesaid to us or our successors shall bee due or appertaining. In witnesse whereof wee have hereunto set our hand and private seal. Given at Durham this three and twentieth of September in the xxxiijth yeare of our soveraigne lord Charles 2d. by the grace of God king of England Scotland France and Ireland defender of the faith, &c. Ann. Dom. 1661. and of our consecration the first. JO: DURESME.

[From the original in the possession of G. Allan.]

* Orig. penes Tho. Gyll, arm.——This being more pertinent to the history of the church is placed there.

† In 1663 he appointed by letters patent a clerk of the halmot courts for life. Pat. Book, p. 17. Edw. Arden. And 1665 an auditor for life. Rot. 2 Cos. B. N° 8. Myles Stapylton.——Randal's MSS.

‡ Rotul. Claus. J. Cosini B. N° 9. Ibid. Vide Stockton.

wars. He repaired the castle at Bishop-Auckland, which upon the seizure of bishops lands was bestowed upon Sir Arthur Hasilrigge, who, designing to make it his principal seat, and not liking the old-fashioned building, resolved to erect a new and beautiful fabric, all of one pile, according to the most elegant fashion of those times. To prepare materials for executing this design, he pulled down the spacious and magnificent chapel built by bishop Beke in the time of Edward I., and proceeded to erect his new palace in a large court on the east side of the old castle: Bishop Cosin, soon after his consecration, remarking that great part of the materials used in that building were taken from the old consecrated edifice, not only refused to use it as his habitation, though it was commodiously contrived and nobly built, but took it wholly down, and with the stone thereof built the beautiful chapel which at present stands near the palace. Under the middle aile he constructed a convenient vault for his own sepulture.* He enlarged the castle at Durham with several additional buildings, and put the whole into compleat repair. He restored the bishop's house at Darlington, which was then very ruinous: He also enriched his new chapel at Auckland, and that in the castle of Durham, with several pieces of gilt plate, books, and other costly ornaments, to remain to his successors in the bishopric for ever; all which expenditures amounted to no less a sum than 26,000l. He likewise built and endowed two hospitals, the one at Durham, for eight poor people, on an old foundation of bishop Langley's; and another at Auckland for four people. He rebuilt the schools, as wings to the edifice for the Durham hospital. He also built a library adjoining to the exchequer on the Place Green, with an entrance from the private gardeus of the palace; this structure, and the pictures with which it is ornamented, cost 800l. and the books he gave thereto 2,000l. and added an annual pension of 20 marks for ever for a librarian. The college of dissolved prebends at Auckland, purchased by Sir Arthur Hasilrigge, and by him forfeited to the king, which Charles II. gave to bishop Cosin, in fee, he gave to his successors bishops of Durham for ever; the yearly value thereof being 320l. He rebuilt the east end of the chapel at Peter-house in Cambridge, which cost 320l. and gave in books to the library 1000l. He founded eight scholarships in the same university, viz. five in Peter-house of ten pounds a year each, and three in Gonvil and Caius college of twenty nobles a-piece per annum; both which, together with a provision of eight pounds yearly to the common chest of the two colleges respectively, amounted to 2500l. He

* Dugd. p. 82.

likewise made an augmentation of 16l. a year to the vicarage of St Andrew's, at Auckland. He gave to the cathedral church a carved lectern and litany desk, with a large scolloped silver patin, gilt, for the use of the communicants there, which cost 45l. Upon the new buildings of the bishop's court, exchequer, and chancery, and towards erecting two sessions houses at Durham, he gave 1000l.: towards the redemption of Christian slaves at Algiers, 500l.; for the relief of the distressed loyal party in England, 800l.; for repairing the banks in Howdenshire, 100 marks; and towards the repairs of St Paul's cathedral in London, 50l. The rest of his benefactions will be shewn in his will. In a word, this generous bishop, during the eleven years he sat in the See of Durham, is said to have spent above 2000l. a year in pious and charitable uses. The lease of the manors of Gateshead and Whickham for 99 years, granted by bishop Barnes to queen Elizabeth, being near expiring, he granted a concurrent lease thereof, to his son-in-law Sir Gilbert Gerrard, for 21 years, which the dean and chapter refusing to confirm, they were summoned to attend the king and council; and the king asking dean Sudbury, if it was against his conscience to confirm this lease, he answered "No; but ——" and was going to give reasons against it: The king replied, "If it is not against your conscience, I will have no *buts*, so go home and confirm it;" which was done accordingly*. At the time bishop Cosin was appointed to the See of Durham, most of the church leases were expired; so that he received, for fines on renewals, a sum not less than 20,000l. as he admits by his will. The fines raised on the lands belonging to the See of Durham, at that time amounted to one million and a half of money†.

In this prelate's time, a statute was made, (12th Cha. II.) whereby the court of wards and liveries, tenures *in capite*, and by knights service and purveyance, were all taken away. The preamble of the act set forth, "That they and the consequents "upon the same have been much more burthensome, grievous, "and prejudicial to the kingdom, than beneficial to the king." And it was thereby declared, "That all lands should be thence-"forth discharged of tenures by homage, escuage, voyages royal, "and all charges for the same, wardships incident to tenure by "knights service, and values and forfeitures of marriage, *aide* "*pour fille marrier*, and *aide pour faire fitz chivalier*." Such dignities as the statute of Henry VIII. left to this palatinate, suffered great diminution by this act; though infinite blessings

* Gray's MSS. † Ibid.

flowed to the subjects, by relieving them from the dregs of the old Norman slavery, and that weaker badge of servility created by Henry VIII. in the 32d and 33d years of his reign, when the court of wards was established; now, under the auspices of an enlightened and beneficent age, all the ancient tenures, so oppressive to the subject, were turned into free and common soccage, except tenures in *frankalmoin*, to pious uses; by copy of court rolls, or grand serjeantry, on personal services to the king. As this change made a considerable alteration in the bishop's revenues, and the king had received a compensation by several duties granted him, the bishop petitioned to have a remittance of the yearly sum of 880l. remaining a charge upon his palatinate, part of the sum of 1000l. originally imposed by queen Elizabeth, towards the support of her military establishments at Berwick; which was accordingly granted.

In the year 1666 began a contest between the bishop and the people of his palatinate, concerning their right to representatives in parliament: In Cromwell's time they were admitted to that privilege, and were not willing now to relinquish it. The grand jury,* at the general quarter sessions of the peace, held at Durham, on the 3d day of October 1666, presented a petition to the court, in the names and on the behalf of all the freeholders of the said county, setting forth, "That they do not enjoy the privilege of sending members to parliament, as all the other counties of the kingdom do.

Being confident, that the justices of the peace will be pleased to join with and assist them by all lawful ways and means, in their endeavours to right their injured country, hoping the justices will take the premisses into serious consideration, and nominate and send up to London, with all convenient speed, such persons as they shall think fit, for the effectual prosecution of this great concernment of the country, that they may petition the parliament to grant this just and reasonable request, that they may have knights and burgesses to represent them in parliament, like all other counties in the kingdom.

Which petition being read in open court, the right rev. John lord bishop of Durham, did enter his protestation against the same, and John Sudbury doctor in divinity dean of Durham;

* The grand jury was composed of the following gentlemen, viz. John Martin of Elvet, Wm Blackett of Woodcroft, Thomas Fewler of Aislaby, Wm Jackson of Coatham Mundeville, Robert Shepperd of Whessoe, John Harrison of Brian's-leap, William Marley of Hedley-hall, Matthew Stoddart of Barnardcastle, Wm Thorsby of School-Aycliffe, Richard Stevenson of Preston, Nicholas Hall of Elwicke, Francis Tweddell of Thorpe, Anthony Wood of Egglescliffe, Wm Blackett of Shipley, and Robert Marley of Picktree.

Isaac Basire doctor in divinity, Thomas Cradocke, esq; Samuel Davison esq; and William Blakiston, esq; five of the justices then present in court, did declare and enter their dissent or dislike thereunto: But Sir Nicholas Cole, knight and baronet, Henry Lambton, esq; John Tempest, Anthony Byerley, Ralph Davison, Cuthbert Carr, Lodwicke Hall, Robert Clavering, Ralph Carr, John Morland, and Christopher Sanderson, esquires, eleven justices then also present in court, did approve of the said petition, and gave their assent to the same."

After this, the freeholders published their reasons, wherefore knights and burgesses were desired for the county palatine of Durham.

"1. All the counties and counties palatine within the kingdom of England have knights and burgesses to represent them in the commons house of parliament, save only the county palatine of Durham.

2. The county palatine of Chester (which is a county palatine by prescription) have their knights and burgesses by an act of parliament made in the 34th year of the reign of king Henry VIII.

3. The freeholders and inhabitants within the county palatine of Durham, are subject and liable at this day to all aids and subsidies granted by any act of parliament, in the same degree as the freeholders and inhabitants of any other county are.

4. The prejudice which the freeholders and inhabitants in the said county palatine of Durham may suffer for want of representatives in their trade, and in the proportioning of aids by general laws and otherwise.

5. This doth not in any sort impair the jurisdiction of the county palatine, no more than the act that enabled Chester to send knights and burgesses did, which remains still as compleat a county palatine as Durham is."

To these reasons the bishop gave the following answers in opposition to the county having knights and burgesses:

"1. It has always been held a special privilege belonging to the bishopric and county palatine of Durham, to be exempt from sending any knights or burgesses to sit in parliament for that county.

2. All the bishops of Durham at their first entrance and inthronization, take a solemn oath to defend and preserve all accustomed rights, privileges and immunities (whereof the aforesaid privilege and exemption is one) appertaining to his bishopric and county palatine, and this oath the bishop is bound to observe, nor doth he yet know any expedient that will free him from it.

3. If any law should be now made to take away that privilege, it would prove to be a great innovation, and alter the condition and constitution of that bishopric.

4. The election of knights and burgesses cannot be made in that county without the king's writ; but *breve regis non currit in comitatu palatino Dunelmensi*, which is the usual return that the bishop of Durham maketh to any writ sent unto him, in case any of his liberties and immunities be infringed by it.

5. The city of Durham and all other corporations in that county, hold their charters from the bishop, to the observance of whose privileges they are all sworn and bound, not to attempt or act any thing to the contrary.

6. This attempt for knights and burgesses was first of all (about 53 years since) projected and made by a few discontented gentlemen; who sought thereby, as they then threatened, to lessen the bishop's power in his courts and jurisdictions over that that county palatine: But their attempt prevailed not at that time, nor ever since in any parliaments following to this day. Neither could the king's royal progenitors ever be persuaded to give way to any such new attempt or innovation.

7. The whole county hath heretofore withstood that innovation when it was first begun, without the consent of the bishop; and in like manner, many of the freeholders and gentlemen there withstand it now; though some others among them, shew themselves vehemently desirous of it; and for the better obtaining of their purpose, have by their agents offered the bishop for the time being, that he shall have the nomination of one knight and one burgess, if by consent an act of parliament may be passed for it.

8. There was never yet any precedent for sending such knights and burgesses out of his bishopric and county palatine, but only in the time of Cromwell the usurper, who violently took away the rights and privileges of it, and gave leave to the disloyal and disaffected party of the county to chuse one knight, and one burgess, after the murther of the late king.

9. The persons who now labour to set up knights and burgesses in this county palatine (and tell the bishop that they hope and expect to prevail in it, whether he will give his consent to it or no) have neither any right nor necessity to do it.

10. For though they pretend to have the same claim and right which all other counties have in this particular, yet the prescription, custom, and practice in this county palatine is against them.

11. And whereas they complain, that divers taxes and royal aids are imposed upon them in parliament without their consent,

having no knights and burgesses there to sit and vote for them, yet this imposition, is no other than hath been always heretofore used: nor hath any exception till now of late, been taken against it, neither herein do they suffer any injury or inconvenience, having had special care taken of them in all times by the bishops of Durham concerning the proportion of their taxes, whereof (being equally rated with other counties) they have no reason to complain: and having received the benefit of all other laws made for the kingdom, and in particular the late law of freeing them from wardships, when they had no knights and burgesses of their own to speak for them in it, or to give consent thereunto, as all the rest of the kingdom had. Add hereunto, for further answer to that objection and complaint, that divers such taxes and impositions are laid upon the clergy in that bishopric and county palatine, who have no representatives admitted to consent and vote for them in parliament, but only their own bishop of Durham.

12. But the bishop of Durham in declining to give his assent unto the present desires of some gentlemen in this county palatine, who endeavour to make themselves knights and burgesses after the example of the county palatine of Chester, (which is a case far different from this of Durham) is tender herein of the good and welfare of the county, in saving them much trouble, expences and charges, which might otherwise be brought upon them, and careful to preserve the ancient constitution and custom of his bishopric and county palatine, which he and his predecessors have held by prescription for many ages; being well assured, that the people and inhabitants within this county palatine do receive a great benefit, ease and quietness by the immunities and privileges which they continually enjoy there under the bishop of Durham; of which privileges and immunities, this is, and ever hath been one, to be exempt from sending any knights or burgesses to parliament. JOHN DURESME."

Afterwards the bishop gave the following further answers to the freeholders:

"1. All the counties of England send knights and burgesses to the parliament, but the bishopric and county palatine of Durham sendeth none: for it hath by ancient custom and prescription, an immunity to the contrary, which the bishop of Durham is bound by oath to preserve: Nor is their any convincing reason to be given why it should in this particular be like to other counties; or that the ancient exemption and privilege of it should now be altered or taken away, to satisfy the desires of some gentlemen and freeholders in that county, where there are a great

many other considerable persons who desire no such alteration; humbly conceiving, that the honour and justice of a parliament will never suffer any such bill to pass against the bishop's accustomed right in that county palatine, confirmed by all his majesty's royal progenitors.

The county of Durham never yet had any knight or burgess, save only one of each sort elected for the shire and city there by order from Cromwell the late usurper, after he and his pretended parliament had murdered the king's royal father of blessed memory, and taken away both the bishopric and all the rights of that county palatine, which by the public laws and constitutions of the kingdom, with all the rights and ancient customs thereunto belonging, have since reverted to the bishop.

Those late and new representatives (as they then called them) were Lilburne and Smith, chosen by a disaffected and disloyal part of the country, the rest (far more considerable than that party was) not consenting to them, nor acknowledging themselves to be represented by them, no more than they or any other of this kingdom of England were represented by the knights and burgesses which Cromwell called from Scotland and Ireland to sit with them in his illegal parliament: Other example than this alone cannot be produced by any of the gentlemen or freeholders in the county palatine of Durham, for the violation and disturbance of the ancient right and exemption there, in this particular.

2. This peculiar instance of granting knights and burgesses to the county palatine of Chester, is not of force enough to infer, that therefore the like grant ought to be made unto the county palatine of Durham.

Because there is no such necessity now to have knights and burgesses in the county palatine of Durham, as there was in the county palatine of Chester, which in the 31th year of Henry VIII. had been about 280 years before, taken into the crown by Henry III. who gave other lands in exchange for it, to the aunts and next coheirs of John Scot, the last earl and count palatine of Chester, of the blood of Hugh Lupus (to whom William the Conqueror first gave that palatine jurisdiction;) to which seisure, that king was induced, as the record saith, *ne tanta hæreditas inter colos diduceretur.* Whereupon the county palatine of Chester suffered many inconveniences.

And notwithstanding the grants which were sometimes made thereof to the person of the king's eldest son, yet upon his death, it descended not upon his heirs, but returned again to the crown.

And after Wales had been totally subdued by king Edward II., the kings of England when they created their eldest son earl of

Chester, they created him also prince of Wales; which in the 27th of Henry VIII., being by act of parliament annexed to England, had some knights and burgesses appointed for them to sit in the great council of the realm.

And hereupon the inhabitants within the county palatine of Chester, took occasion seven years after, to petition the king and parliament for knights and burgesses of their own, lest otherwise their liberties should be infringed by their neighbours of Wales.

And 'tis to be noted, that king Henry VIII., from the time of his coming to the crown, to the time of passing that act in the 34th year of his reign, had not been pleased to confer that county palatine of Chester upon his heir apparent, but reserved it in his own hands.

And therefore in regard of all these reasons, the inhabitants within that county palatine thought it convenient and needful for them to sue for knights and burgesses.

All which reasons belong nothing to the bishopric and county palatine of Durham that was never yet taken into the crown, but by unjust means in the minority of king Edward VI. at what time nevertheless there was no suit or appointment made for knights and burgesses to be elected in this county for the parliament.

Because the inhabitants within the county palatine of Chester at the time of passing that act (as appeareth in the preface thereof) had a long while suffered in their bodies, goods, and lands, and in their civil government contrary to law; which cannot be said of the inhabitants of the county palatine of Durham, under the bishop's government and jurisdiction there.

Because, that very act which introduced knights and burgesses into the county palatine of Chester, brought a great innovation upon it in one of the best privileges thereof, by altering the accustomed writs concerning the payment of debts in that county, as appears by the act itself. The loss of which privilege in the county palatine of Durham, would be a great prejudice and inconvenience to the inhabitants thereof: Other innovations arose afterwards upon this occasion in the county palatine of Chester; which therefore is no good example for the bishop or county palatine to follow.

3. True it is; that the freeholders and inhabitants within this county palatine of Durham, are, and ever have been subject to pay, as all the rest of the kingdom doth, all aids and taxes imposed upon them by act of parliament; but it is not true, that because they pay such aids and taxes, therefore they must of necessity have their own peculiar knights and burgesses chosen by themselves to give consent thereunto. For in all times here-

tofore they have paid the same, and received great benefit by other laws passed in parliament, and lately by the law of taking away wardships when they had no knights and burgesses of their own to sit there.

Nor was this ever counted a grievance, till of late some discontented persons presumed to take exceptions against it; especially at the sessions of peace held at Durham in Sept. 1666, where they procured the grand jurymen to complain of it to themselves sitting then upon the bench, (before the bishop, being at that time some miles distant from Durham could come to sit there with them) calling it, as appears by the petition then preferred, "a great dishonour to the country to want knights and burgesses, who should vote with their fellows subjects in parliament, and not stand at the door of that house with a petition, where they ought to sit as judges, and not to pay those aids and taxes, or be subject to those laws which they did not vote or consent to themselves;" adding further, "that the parliament owed them near 26,000l. for paying the Scotch army 21 years before;" and supposing, "that this money would be procured for them from the parliament, and that the present aids and taxes would be mitigated, if they had knights and burgesses of their own to sit there, and importune the house of commons for that purpose." This was the substance of their petition and desire at that time, which is still fomented among them by those persons whom they have employed to solicit the parliament for their purpose at the charge of the county; whereupon they will certainly bring a far greater charge, if knights and burgesses should be elected and maintained from time to time with the allowance of their wages due by law: And thus while they pretend to mitigate and lessen the charge of the county, the truth is, they intend to augment it; from which intention and charge the bishop is more careful to save the county.

There can be no strength in this reason, whereby they would infer the necessity of electing knights and burgesses to consent unto these payments of aids and taxes, unless they will also infer they are not to paid without their consent, which is injurious to the king and parliament, and contrary to the dutiful and ancient practice of this county palatine.

The whole clergy of this county have no representatives in the commons house of parliament, and yet they take no exceptions (as these men do) against the payments imposed upon them by law for aids and taxes to the king; and the bishop's customary tenants and copyholders being by far the greater number of this county, (whom these men would have excluded from having any

voice in the election of their new desired knights and burgesses) make the like payments according to their duty; but that all these pay their aids and taxes in this county, contrary to all law and right of subjects, (as the grand jurymen said in their petition for the freeholders) it may be well thought that no other sober men will say.

4. The freeholders of this county palatine suffer no prejudice herein. Nor can any one instance be given of it from the first beginning of this monarchy, that any such prejudice as is here surmised ever yet happened in the county palatine of Durham, more than in any other counties that have knights and burgesses to represent them in parliament.

This reason seems to reflect upon the honour and justice of the parliament, which, notwithstanding this surmise, useth to take care of all persons (generally represented in the name of all the commons of England) that they shall suffer no wrong or prejudice in their public proceedings, and are ready to receive the just complaints and grievances (if any be) that are at any time presented to them; wherein the bishop of Durham (who hath a peculiar interest in the government and welfare of this county palatine) is always present in the house of peers either in person or by proxy, to propose any thing that may conduce to the benefit thereof, and to the redressing of any just grievance in it, which may be brought to his knowledge.

5. It is much to be feared, that if these gentlemen might have their desires, the jurisdiction of the county palatine of Durham will be greatly impaired: For those men who first of all about 54 years since began to move and set forward this alteration, (which was then contradicted by the justices, gentlemen, and freeholders of the whole county) made open profession, and said, "that they would humble the bishop and his courts, together with all his clergy, especially those of his cathedral church." Which animosities are still too rife against them among many persons in the country at this day, and may prove to be of very dangerous consequence against both church and state of this kingdom, and against the bishop's prescription and rights of government in this county; which being peculiar to him, if once altered and diminished, it cannot be said to continue so compleat a county palatine as it was before.

The act for Chester hath impaired that county palatine in three special innovations already; one concerning writs issued out of the exchequer there for debts, as was observed before; another about the awarding of exigents and proclamations con-

trary to the former privilege and custom of that county palatine; and a third, concerning the nomination of the custos rotulorum. In all which, and the loss of divers other privileges complained of in that county, the bishop and county palatine of Durham never yet would follow them.

But supposing that the county palatine of Chester should have suffered nothing to the prejudice of their rights and privileges there, yet this were no sufficient reason to extort from the bishop of Durham any of his ancient rights and exemptions whether he will or no, as these men now endeavour to do, by procuring an act of parliament to alter the constitution and customs of this county, and to empower them to elect knights and burgesses there without his consent; who if any writ should be brought unto him for such elections to be made within his jurisdiction, is bound by oath to answer (as in cases of like nature the bishops of Durham have always done) for the preservation of their ancient customs and liberties in that county palatine, that *breve regis non currit in comitatu palatino Dunelmensi.*"

The bishop also wrote several letters to Colonel John Tempest and Ralph Davison, esqrs; concerning knights and burgesses in the county of Durham, of which the following was the last and most remarkable:

December 14, 1667.

"Mr Tempest and Mr Davison,

"This shall be my answer to your letter of yesterday, wherein I find nothing but a repetition of what you have often said before, without any one new reason added, whereby you might give yourselves any hope to convince or incline me to your own will, in the in the way that you have taken. You say, that you have made your addresses to me from time to time with all submission, and truly I must confess, that you have other whiles used such words of submission when you came to treat with me, about setting up new knights and burgesses in the bishopric: But by your actions that have followed such your submissive words, it appeareth plainly, that when you spake the words, you never intended to submit to me at all, and have therefore prosecuted such your intentions with all eagerness contrary to my advice. You say you have sought, and endeavoured very often to persuade me that I would yield to your desires; but I have as often endeavoured also to persuade you, that you would yield to mine, which hitherto I believe hath more reason in them than yours. And because you cannot prevail upon me, and bring me to your bent, you profess you are very sorry, as I truly think you are, but I pray let me return upon you your own words, and say, that I am also sorry I cannot

prevail upon you to make you give over this eager prosecution of the business, which you have taken in hand, as I suppose, against the general good and quiet of the county, and as you know well, against the consent, both of myself and a considerable party there, and as I know well, against the accustomed rights and privileges of my bishopric. Yet you still pretend and urge the desires of the whole county, whose desires not long since I shewed you to be to the contrary under all their hands, and I trust you will not deny, but the gentlemen, together with the estate and condition of the country, then were as considerable as they are now; nor can you say that any new grievances are risen in the country since that time, or that less care is taken of the county than in your forefathers days, who never sought that innovation or alteration in the wonted constitution of the bishopric which you now do. You have no precedent either for preferring a bill without the bishop's consent, or setting up knights and burgesses for to sit in parliament, but only in Cromwell's time to serve in his parliament, after he had murthered the late excellent king, and destroyed both the bishopric and the county palatine rights annexed to it. To your common plea and plausible argument, which you think will work upon many others: That the country pay taxes, and have no representatives to give consent for the same, I shall well hope that this inclosed paper will give you and all just men satisfaction. And in this hope, I rest,

Gentlemen, your very good friend and servant,

JO. DURESME.

P. S. I do not find in your bill the saving of any rights or privileges, proper to the bishop himself, but only such as are common to the inhabitants of the county palatine, who derive all their liberties and immunities from and under him, nor do you keep your first offer and promise in assuring him, that the bishop for the time being, shall have the chusing of one knight and burgess; and divers other clauses you have omitted in that your bill whereunto you said you would agree."*

* Grey's debates in parliament, 26th March 1688.——A bill to enable the county of Durham to send two knights for the county, and two citizens for the city of Durham, was read.

Mr Crouch—The west and the north have already so many knights and burgesses, that the midland in all taxes smart for it, in their being over-rated.

Mr Steward—It is a hard case that that county should be taxed in all parliaments, and yet have no representatives.

Mr Vaughan—Thinks the inconvenience of Durham is now no more than formerly. If we have all our members here, we have no room for them; if we bring in more members, we may by the same rule, multiply them to as many more. The county of York has many, but they may as well put in for knights for every riding; and the northern parts are sufficiently provided for already.

Though Bishop Cosin carried his point against the act passing to send knights and burgesses to parliament, and continued in opposition to the time of his death, (15th January, 1671) yet the privilege of sending members was obtained about two years after the bishop's death, and one year before bishop Crewe was translated from Oxford to Durham (for the See was vacant near three years.) The gentlemen of the county having renewed their efforts, got the following act passed in the 25th Charles II. anno 1673, whereby the county and city were enabled to send four representatives; two for the county, and two for the city.

"An act to enable the county palatine of Durham to send knights and burgesses to serve in parliament.

"Whereas the inhabitants of the county palatine of Durham, have not hitherto had the liberty and privilege of electing and sending any knights and burgesses to the high court of parliament, although the inhabitants of the said county palatine are liable to all payments, rates, and subsidies granted by parliament, equally with the inhabitants of other counties, cities, and boroughs in this kingdom, who have their knights and burgesses in the parliament, and are therefore concerned equally with others the inhabitants of this kingdom, to have knights and burgesses in the said high court of parliament of their own election, to represent the condition of their country, as the inhabitants of other counties, cities, and boroughs of this kingdom have.

2. Wherefore, may it please your majesty, that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that from time to time, and at all times from and after the end of this present session of parliament, the said county palatine of Durham may have two knights for the same county, and the city of Durham two citizens to be burgesses for the same city, for ever hereafter to serve in the high court of parliament.

3. To be elected and chosen by virtue of your majesty's writ, to be awarded by the lord chancellor or keeper of the great seal

Sir Thomas Strickland—The county palatine of Durham was never §taxed in parliament by ancient privilege before king James's time, and so needed no representatives; but now being taxed, it is but reasonable they should have.

Sir Thomas Meres—Moves, that the shires may have an increase of knights, and that some of the small boroughs, where there are but few electors, may be taken away, and a bill for that purpose.

On a division of the house the bill was rejected, 65 to 50.

§ Durham, Northumberland, Cumberland, and Westmorland paid no subsidies till James I. by reason of their border-service.———Harleian Catalogue, N° 1877. art. 18.

of England for the time being, in that behalf to the lord bishop of Durham, or his temporal chancellor of the said county of Durham, and a precept to be thereupon grounded and made by the lord bishop of Durham, or his temporal chancellor for the time being, to the sheriff of the said county for the time being.

4. And the same election from time to time to be made in manner and form following, that is to say, the elections of the knights to serve for the said county palatine from time to time hereafter, to be made by the greater number of freeholders of the said county palatine of Durham, which from time to time shall be present at such elections, accordingly as is used in other counties in this your majesty's kingdom.

5. And that the election of the said burgesses from time to time to serve in the high court of parliament, for the city of Durham, to be made from to time by the major part of the mayor, aldermen, and freemen of the said city of Durham, which from time to time shall be present at such elections.

6. Which said knights and burgesses, and every of them so elected or chosen, shall be returned by the said sheriff into the chancery of England, in due form, and upon the like pains as be ordained for the sheriff or sheriffs of any other county of this kingdom, to make his or their returns in like cases.

7. And that the said knights and burgesses, and every of them so elected and returned, shall be by authority of this present act, knights and burgesses of the high court of parliament, to all intents and purposes, and have and use the like voice, authority and places therein to all intents and purposes, as any other the knights and burgesses of the said high court of parliament have, use and enjoy; and likewise shall and may, by virtue of this present act, take, have, use and enjoy, all such and the like liberties, advantages, dignities, and privileges concerning the said court of parliament, to all intents, constructions and purposes, as any other the knights and burgesses of the said high court of parliament have taken, had, used or enjoyed, or shall, may or ought hereafter to have, take or enjoy."*

COUNTY MEMBERS.

* 1675, 27 Cha. II.——John Tempest of Durham, esq;—Thomas Vane of Raby-castle, esq;

Election 21st June 1675, lasted three days.——Sir Gilbert Gerrard, high-sheriff.

John Tempest, esq;	1034
Thomas Vane, esq;	856
Sir James Clavering, of Axwell, baronet	747

Thomas Vane died of the small pox two days after his election, viz. 25th June 1675, and was buried at Staindrop,——Christopher Vane of Raby-castle, esq; elected without a poll in the room of his brother, October 25, 1675.

The two last years of his life the bishop enjoyed but a very indifferent state of health, being very much afflicted with the stone.

1678, 30 Cha. II.——Sir Robert Eden of West-Auckland, bart.—John Tempest of the Isle esq;

Election 24th February 1678.——Nicholas Conyers, esq; high-sheriff.

Sir Robert Eden bart.	1338
John Tempest esq;	1173
Christopher Vane esq;	921

1679, 31 Cha. II.——Wm Bowes of Stretlam Castle, esq;—Tho. Fetherstonhalgh of Stanhope Hall. esq;

Election 25th August 1679.——Nicholas Conyers esq; high-sheriff.

William Bowes esq:	1048
Thomas Fatherstonhalgh esq;	979
Christopher Vane esq:	803
Sir Mark Milbanke of Dalden Tower, bart.	671

1680, 32 Cha. II.——Wm Bowes of Stretlam Castle, esq;—Tho. Fetherstonhalgh of Stanhope Hall, esq;

Election 21st February 1680.——Nicholas Conyers esq; high-sheriff.

William Bowes esq;	1186
Thomas Fatherstonhalgh esq;	978
Christopher Vane esq; of Raby	681

1684, 1 James II.——Robert Byerley of Midridge Grange, esq;—William Lambton of Lambton, esq;

Elected without a poll, 16th March 1684.——Nicholas Conyers esq; high-sheriff.

1688, Dec. 23, king abdicated the crown, and left the kingdom.

January 22, the convention parliament met.

Robert Byerley of Midridge Grange, esq;—William Lambton of Lambton, esq;

Cha. Montague esq; high-sheriff.

1688-9, Feb. 13, William and Mary accepted as king and queen, and proclaimed with the usual solemnity.

1689, 1 Wm and Mary.——Sir Robert Eden of West-Auckland, bart.—Wm Lambton of Lambton, esq;

Elected without a poll, 10th March 1689.——Charles Montague esq; high-sheriff.

1694, 6 Wm and Mary, cap. 2. an act passed for the frequent meeting and calling of parliaments, and to have continuance for three years only.

1695, 1 Wm III.——Sir Wm Bowes of Stretlam Castle, knt.—Wm Lambton of Lambton, esq;

Elected without a poll, 11th Nov. 1695.——Charles Montague esq; high-sheriff

1698, 4 Wm III.——Sir Robert Eden of West-Auckland, bart.—Lionel Vane of Long-Newton, esq;

Election 3d of August 1698.——Charles Montague esq; high-sheriff.

Sir Robert Eden bart.	1371
Lionel Vane esq;	967
Wm Lambton esq;	804

1700, 6 Wm III.——Lionel Vane of Long-Newton, esq;—Wm Lambton of Lambton, esq;

Cha. Montague esq; high-sheriff.

1701, 7 Wm III.——Lionel Vane of Long-Newton, esq;—Wm Lambton of Lambton, esq;————————Cha. Montague esq; high-sheriff.

1702, 1 Anne.——Sir Robert Eden of West-Auckland, bart.—Sir Wm Bowes of Stretlam Castle, knight.

Cha. Montague esq; high-sheriff.

1705, 4 Anne.—— Sir Robert Eden of West-Auckland, bart.—Sir Wm Bowes of Stretlam Castle, knight.

Cha. Montague esq; high-sheriff.

Sir Wm Bowes died, and John Tempest of Old Durham, esq; was elected in his room.

He lost much of his popularity by his contest with the county touching representatives in parliament, and lived in greater retirement after that business. At length, however the *roaring*

1708, 7 Anne.——Sir Robert Eden of West-Auckland, bart.—Wm Vane of Fairlawn in Kent, esq;
Cha. Montague esq; high-sheriff.

1710, 9 Anne.——Sir Robert Eden of West-Auckland, bart.—Willliam Lambton of Lambton, esq;
Mark Shafto esq; high-sheriff.

1713, 12 Anne.——John Eden of West-Auckland, esq;—John Hedworth of Chester Deanry, esq;
Mark Shafto esq; high-sheriff.

1714, 1 George I.——John Eden of West-Auckland, esq;—John Hedworth of Chester Deanry, esq;
Mark Shafto esq; high-sheriff.

1716, 2 George I.——An act passed for enlarging the time of continuance of parliaments, for seven years, unless sooner dissolved by his majesty, his heirs, or successors.

1722 8 George I.——Sir John Eden of West-Auckland, bart.—John Hedworth of Chester Deanry, esq;

Election 4th April 1722.——Sir Henry Liddell bart. high-sheriff.

Sir John Eden	1342
John Hedworth esq;	1204
William lord viscount Vane	1060

1727, 1 George II.——John Hedworth of Chester Deanry, esq;—George Bowes of Stretlam Castle, esq;

Elected without a poll, 23d August 1727.——Sir W. Williamson bart. high-sheriff.

1734, 7 George II.——John Hedworth of Chester Deanry, esq;—George Bowes of Stretlam Castle, esq;

Elected without a poll 7th May 1734.——Sir W. Williamson bart. high-sheriff.

1741, 14 George II.——John Hedworth of Chester Deanry, esq;—George Bowes of Stretlam Castle, esq;

Elected without a poll, 14th May 1741.——Sir W. Williamson bart. high-sheriff.

Mr Hedworth died in his chariot near Leicester, on his journey home from Bath, 31st May 1747, ætat. 65, and was buried in Chester-le-street church. No new writ was ordered, the parliament being dissolved the next month.

1747, 20 George II.——The Hon. Henry Vane of Raby Castle, esq;—George Bowes of Stretlam Castle, esq;

Elected without a poll 1st July 1747.——Sir Hedworth Williamson bart. high-sheriff

Mr Vane made a lord of the treasury; a new writ was ordered, and he rechosen without a poll 3 May 1749; 1753, April 27, he became lord Barnard on the death of his father Christopher lord Barnard.

1753, May 19.——Hon. Henry Vane of Raby Castle, esq; (eldest son of lord Barnard) elected without a poll in the room of his father.

1754, April 3.—Henry lord Barnard created viscount Barnard and earl of Darlington, whereby the son, then member for the county, took the title of lord Barnard.

1754, 27 George II.——Henry lord Barnard of Barnard Castle.—George Bowes of Stretlam Castle, esq;

Elected without a poll 24 April 1754——Sir Hedworth Williamson bart. high-sheriff

1758, March 6, Henry lord Barnard became an earl by the death of his father. His seat was vacated.

1758, 31 George II.——Hon. Raby Vane of Raby Castle, esq; (younger brother to the earl) was elected without a poll 22 March 1758.

George Bowes esq; died 17 September 1760.

pains of his distemper, as he used to call them, together with a pectoral dropsy, put an end to his life, at his house in Pall-Mall, Westminster, on the 15th of January, 1671-2, when he was

1760, 33 George II.——Robt Shafto of Whitworth, esq; elected in the room of George Bowes esq; deceased.

Election 13th December 1760.——Sir Hedworth Williamson bart. high-sheriff.

Robert Shafto esq; 1534

Sir Thomas Clavering of Axwell Park, baronet 545

The election continned 5 days *(viz.)* December 9, 10, 11, 12, 13.

N. B. On Friday evening the 12th, Sir Tho. Clavering declined polling any more votes.

1761, 1 George III.——The Hon. Frederick Vane of Raby Castle, esq; (next brother to the earl.)—Robert Shafto of Whitworth esq;

Election, Friday 10 April 1761.——Sir Hedworth Williamson bart. high-sheriff.

Robert Shafto of Whitworth, esq; 1589

Frederick Vane of Raby Castle, esq; 1553

Sir Thomas Clavering of Axwell Park, baronet .. 1382

The election continued 9 days *(viz)* April 1, 2, 3, 4, 6, 7, 8, 9, and 10.

N. B. The whole number of freeholders polled were 2748.

The candidates polled in each ward,

	Shafto.	Vane.	Clavering.
Darlington ward	739	735	374
Stockton ward	301	319	176
Easington ward	315	271	306
Chester ward	234	228	526
total	1589	1553	1382

1768, 8 George III.——The Hon. Frederick Vane of Raby Castle, esq;—Sir Thomas Clavering of Axwell Park, baronet.

Elected 23 March 1768.——Sir Hedworth Williamson baronet, high-sheriff.

N. B. Mr Shafto declined standing.

1774, 14 George III.——Sir Thomas Clavering of Axwell Park, baronet,—Sir John Eden of Windleston, baronet.

Elected 13 October 1774.——Sir Hedworth Williamson baronet, high-sheriff.

N. B. Mr Vane declined standing.

1780 20 George III.——Sir Thomas Clavering of Axwell, bart.—Sir John Eden of Windleston, bart.

Elected 21 of September 1780.——Sir Hed. Williamson bart. high-sheriff.

1784 24 George III,——Sir Thomas Clavering, and Sir John Eden, baronets.

Elected 14 April 1784.——Sir Hed. Williamson bart. high-sheriff.

1790, 30 George III.——Rowland Burdon, of Castle Eden, esq;—Ralph Milbanke, of Seaham, esq;

Election June 28 to July 8.

The candidates polled in each ward,

	Burdon.	Milbanke.	Eden.
Chester ward	588	470	495
Darlington ward	740	646	650
Easington ward	452	424	280
Stockton ward	293	259	271
total	2073	1799	1696

1796, 36 George III.—Rowland Burdon, esq;—Sir Ralph Milbanke, bart.

1802, 42 George III.—Rowland Burdon esq;—Sir Ralph Milbanke, bart.

1806, 46 George III.—Sir Ralph Milbanke, bart.;—Sir Thomas Henry Liddell bart.

seventy-seven years of age. In his will dated the 11th of December, 1671, he made a large and open declaration of his faith:* and in the latter part thereof gave several large bequests, and thereby directed, that his body should be interred in the vault he had prepared in Auckland chapel, with the inscription in the notes, to be cut on the black marble placed there for that purpose.† He gave to the quiremen and choristers of the cathedral, who should attend his funeral, twenty marks; five pounds and a mourning ring to the preacher at his funeral; and to the dean and prebendaries, if attending, a gold ring, inscribed *memo-*

§ 1807, 47 George III.—Sir Ralph Milbanke, bart. ;—Sir Henry Vane Tempest, bart.

1812, 52 George III.—Sir Henry Vane Tempest, bart. ;—Henry lord viscount Barnard.

Sir Henry Vane Tempest died 1st August 1813 ; in his place John George Lambton, esq ; elected 20th September 1813.

1816, 56 George III.—Lord Barnard accepted the Chiltern Hundreds; in his room Hon. William John Frederick Powlett.

1818, 58 George III.—John George Lambton, esq;—Hon. William John Frederick Powlett.

§ Candidates,—Sir Ralph Milbanke, bart. ;—Sir Henry Vane Tempest, bart. ;—and Cuthbert Ellison, of Hebburne, esq.———In 1812, Mr Ellison was returned member for Newcastle upon Tyne.

* Vide Appendix to Dr Basire's Dead Man's Real Speech, London, 1673. This part of the will is in Latin. Durham, 18th Jan. 1672, ver. cop. ex. per me W. Stagg, not. pub.

† "I will and appoint, that after my departure out of this life, my body be decently "interred according to the ceremonies of the church of England, and intombed in "the sepulchre or vault which I have prepared for that purpose in the middle of the "chapel at Auckland Castle, in the county palatine of Durham, by me lately built "and consecrated ; where, upon the large, square, black marble stone, now placed in "the pavement, over the said vault, I will that this inscription be ingraved, viz.

"In non morituram memoriam
JOHANNIS COSINI
Episcopi Dunolmensis,
Qui hoc Sacellum construxit,
Ornavit, et Deo consecravit
A'no D'ni MDCLXV°.
In Festo S. Petri
Obiit - - - die mensis
Anno Domini
Et hic sepultus est, expectans
Felicem Corporis sui Resurrectionem,
Ac vitam in Cœlis Æternam,
Requiescat in pace.

"And upon the square border of lesser stones, now placed at a distance about the "former and larger marble stone, I will that this inscription be engraven, viz. At the "East part of that border, these words, *Beati mortui.*—At the South part of the same "border, these words, *Qui moriuntur in Domino.*—At the West part of the same "border, these words, *Requiescunt enim.*—At the North side of the same border, "these words, *A laboribus suis.*"

rare novissima. He ordered six pounds to be distributed to the alms people of his two hospitals, who should be present at his obsequies; and twenty pounds to the poor people who on that occasion should come in and ask alms. After recounting the several works he had performed in his life-time, (which are noticed before, in page 666, and in the notes) he proceeds thus: "All which expences, laid out upon the repairing and rebuilding "the bishop's houses aforesaid, and works of piety, I here insert "and mention in this my last will and testament, as works of "duty belonging unto me, and not out of any ostentation or "boasting of it, as well to satisfy the world in general, as my suc- "cessors the bishops of Durham in particular, that although I "received near upon 20,000l. for fines of leases, (and truly I "received no more, from my first coming to the bishopric in the "year 1660 to the end of seven years following, notwithstanding "all the vain reports of larger sums received by me for those fines "of leases) yet I took no part of those fines to my own private "use, or to make provision by them for my children; but laid "out the whole sum received and a great deal more, upon the "repairs and pious uses before exprest: All which disbursements "I hope will acquit me as to my successors, from any pretence "of dilapidations." He bequeathed fifty pounds to be distributed among the prisoners for debt in the gaols of Durham, York, Peterborough, Cambridge, and Norwich, ten pounds to each prison; twenty pounds to the poor within the precincts of the cathedral church of Norwich, and in the parish of St Andrews, where he was born and brought up in his minority; thirty pounds to the poor of Durham, Auckland, Darlington, Stockton, Gateshead, and Brancepeth, to each place five pounds; ten pounds to the poor of Chester-in-the-Street, Houghton-le-spring, Northallerton, Crake, and Howden, being all manors belonging to the bishops of Durham, to each parish forty shillings; to the rebuilding of St Paul's church in London, one hundred pounds, to be paid when the edifice is five yards above ground, having before given to the repairs thereof one hundred marks at one time, and fifty pounds at another. He gave forty pounds to the cathedral church at Norwich; one half or more thereof to be bestowed by the dean and chapter there, upon a marble table or monument, to be set up and affixed to the south pillar adjoining to the steps that lead up to the altar with the inscription therein-mentioned, in memory of bishop John Overall, who lies buried in that place; the remainder to be applied for useful and decent ornaments about the communion table. Towards rebuilding the north and south sides of St Peter's college chapel in Cambridge, he gave two

hundred pounds, to compleat it equally with the other sides done by him; fifty pounds towards building a new chapel at Emanuel college; to the children of Mr Hartly, of Norwich, his brother-in-law, one hundred pounds: to his nephew Mr Thomas Skinner, of Hull, fifty pounds; to four of his nephews fifty pounds each, and to a niece one hundred; to the children of Mr John Hayward, prebendary of Litchfield, twenty pounds each, in gratitude to their deceased father, for placing him with bishop Overall. A great number of his books, viz about one thousand, in several volumes, he had given to the public library of St Peter's college in Cambridge; the rest of his books, according to a catalogue signed by him, by a special deed he gave to public use, in the new library he built upon the Palace-Green in Durham, *for the common benefit of the clergy and others that shall resort thereunto:* The whole collection of all his books having cost him near three thousand pounds, and all the care of above fifty years together. The will then proceeds with several bequests to his family; donations to his successors of Auckland college; with an appointment of sixteen pounds to the curate of St Andrew's, Auckland, in augmentation of his stipend, which will be particularly noticed under that parish in the second volume.

About the year 1625, our prelate married Frances, daughter of Marmaduke Blakeston, M. A. by whom he had several children. His eldest son was prevailed upon not only to desert the church of England, but also to take religious orders in the church of Rome; and though the bishop used all the ways imaginable, and even the authority of the French king, which he had interest to procure, to regain him, yet all proved ineffectual. Nalson says,* he had heard him aver, that this was the most sensible affliction that ever befel him in his whole life. The expressions in his will touching this matter, speak his grief: "Item, I give and bequeath "to Mr John Cosin, my lost son, one hundred pounds, having "already settled an annuity of fifty pounds per ann: upon him "during his life; and the reason why I give him no more, is, "because he hath dealt very undutifully with me his indulgent "father and twice forsaken his mother the church of England, "and the protestant being the true catholic religion there profes-"sed to my great grief and trouble, having not come to me for "better advice, but wholly avoided me during these four last years "together." The bishop had four daughters; one married to Sir Gilbert Gerrard, baronet; another to Sir —— Burton, baronet; and the youngest to Dr Dennis Granville, brother to the

* p. 519.

earl of Bath, and afterwards dean of Durham. The bishops remains were first deposited in a vault in London: and in April, 1672, conveyed to the appointed place of Sepulture in the chapel of Auckland, where, on the 29th of that month, they were interred. His funeral sermon was preached by Dr Basire, who says, in a note thereto, "Upon a serious search of the whole line of "bishops of Durham, from the first of Lindisfarne to Cosin, "sixty-eight in number, there are found upon the eclesiastical "records but eight bishops, in 1034, years that seem to have equal-"led but not exceeded him in the noble virtues of munificence "and beneficence: And it is worth consideration of our age, that "the valuation of work and materials were far less in those ancient times." The names of the bishops alluded to in the above quotation are, Aldwinus, Egelricus, Flambard, Pudsey, Beke, Skirlaw, Hatfield, and Tunstal.*

* Bishop Cosin granted a patent of the water-bailiff's place for Sunderland; also made John Tempest, esq; his vice-admiral, *quamdiu se bene gesserit;* also Mr Richard Mathew, judge of his court of admiralty; and Walter Etterick, register of that court. Rot. N° 17, 18, 19. A. D. 1661.——Spearman's Enq. p. 33.

By a private act of parliament, bishop Cosin and his successors were enabled to make leases, for three lives, of certain lead mines.——Gyl's MSS. A. D. 1667.

The See vacant after the Restoration.

Tho. Davison, knt. ap. high-sheriff. Wm Church, gent. under-sheriff.

Prima cur. p'litor. post restitutionem fuit, 1 Sept. 1660, *cor.* Sir Nich. Cole & Col. Tempest; and assize 18th Sept.

Will. Darcy, knt. ap. chancellor and keeper of the great seal 16th Aug. 1660. Rot. A. Cosin.

John Heath, of the city of Durham, gent. oc. senescal 11th Oct. 1660. Cop. B. 13.

John Cosin, S. T. P. dean of Peterborough, elected 2 Nov. 1660.
Consecrated 2d Dec.
Enthroned 8th Dec.
Temporalities restored 14th Dec.
Ob. 15th Jan. 1671, æt. 77; and buried at Auckland 29th Apr. 1672.

Officers of the See during the time of bishop Cosin.

High-sheriff,—Tho. Davison, knt. ap. 30th Jul. 1661, *p. pat. e'pi dur. bene p'lito.* ob. 23d May, 1667. Wm Church, gent. subvic *p. pat, e'pi.* Anth. Pearson, gent. ap. 2d March, 1663, *qua'diu se bene gesserit;* ob. 23d Jan. 1665; bur. Little St Mary's, Durham.

Gilb. Gerrard, of Fiskerton co. Linc. esq; created a bart. 17th Nov. 1660, entailing the title on his issue male by Marg. his second wife, daughter of bishop Cosin, now ext. Rich. Neile, esq; subvic. 12th Mar. 1665, son of Paul Neile, knt. and grandson of archbishop Neile, *qua'diu se bene gess.*

Temporal chancellors,—Tho. Widdrington, knt. serj. at law, ap. for life 21st Dec. 1660, confirmed by dean Barwick and Chap. 20 Mar. 1660, ob. 13 May, 1664. Vide Peck's Desiderata Curiosa, vol. ii. lib. xiv. p. 37. Also Ath. Ox. vol. ii. col. 335, 6, 7.——T. Widdrington, knt. recorder of York, speaker of the house of commons (1829l. p. ann) commissioner of the treasury (1000l. p. ann. sal.) and had besides for every private act 5l. and for every stranger made a free denizen. Strype's Surv. v. ii.

On the north wall of the chancel, in the church of St Giles in the Fields,

Sir Tho. Widdrington, knt. serjeant at law,
Vir in dicendo cælestis.
His four daughters set up this monument.

The bishop's person is described as being tall, his carriage erect, his presence grave without severity, and his general deportment elegant and pleasing. In the ease and affability of his manners, acquired from his connections abroad, he never forgot the dignity of the prelate. He possessed a sound understanding, accomplished with all kinds of useful learning. His hospitality, generosity, and charity, justly gained him the title of the most munificent prelate of his time.

Frances Widdrington, the wife of Sir Thomas, died in childbed 1649, Daughter of Ferdinand lord Fairfax, of Cameron. And their daughter Dorothy 1649, aged 12 years.

Serjeant Turner was designed to succeed in this chancellorship, but by great solicitation Francis Goodrick, knt. counsellor at law, was appointed 24th May, 1664, and confirmed by dean Sudbury and the Chap. 23d Nov. 1664. Reg, Sudbury.

Constable of the castle,—Gilb. Gerrard, bart. ap. for life 3d Jan. 1660, ap. Lond. confirmed by dean Barwick and Chap. 20th Mar. 1660. He was elected member of parliament for Northallerton anno 1678, 79, 80.

Seneschals,—John Heath of Old Durham, bur. at St Giles 7th Mar. 1664. Par. Reg.

Samuel Davison, counsellor at law, ap. for life 30th Jul. 1665, confirmed by dean Sudbury and Chap. 25th July, 1665. Rot. B. Cos. Rot. 2. N° 7.

Robert Cole, esq; counsellor at law, ap. for life at Durh. 24th Apr. 1671, confirmed by dean Sudbury and Chap. 3d May, 1671. Rot. B. Cos. Ibid. N° 28.

Registraries,—Gabriel Newhouse, oc. 11th Jul. 1671, *in vis'ne ordinar. Jok'is e'pi*; bur. at Little St Mary's, Durh. 28th Jul. 1705. Par. Reg.——Jane, his relict, mar. Ja. Finney, D. D. preb. of Durh. 6th Oct. E. Reg. Cath. D.

Attornies general,—John Delaval, arm. 1660.
John Heath, arm. 1662.
Tho. Cradock, arm. 1664. } Dur. plea.

Solicitors general,—John Swinburn, arm. 1660.
John Jefferson, arm. 1665.
John Acourt, arm. 1675. } Dur. plea.—Randal's MSS.

Gray's Minutes, MS.—Bishop Cosin gave 1174 books to the library of Peter House. Kennet's Reg. p. 327.——An account of his writing the History of Transubstantiation. Kennet's Reg. p. 260.——His Speech to Charles II. at a meeting of bishops and prebends. Ibid p. 285.——His letter against bargaining for Ecclesiastical Preferments. Ibid. p. 294.——His Behaviour at Durham. Ibid. p. 737, 885, 831.——His Letter to Jos. Meade about his Book and Uproar at Edinburgh at first reading Common Prayer-Book. Peck's Desiderata, lib. ii. p. 50. Ibid. lib. xiv. p. 45.——He gave ten books in folio, ten in quarto, and ten in octavo, to the dean and chapter's library. His Life, written by Dr Theo. Smith.——See an account of his particular benefactions in Sir Wm Dugdale's Hist of the Ch. of D. annexed to the 2d edition of St Paul's C. 1715.—Rushworth's Col. p. iii. vol. i. p. 203, 208.—Pryn's Canterbury's Doom.—Walker's Hist. of the Suffering Clergy, vol. ii. p. 58.—Fuller's Ch. Hist. 1640, p. 173. Worthies, p. 295.—Heyl. Examen. Hist. p. 281.—Collyer' Supplement.—Nalson's Col. p. 519, 520, 789.—Ath. Ox. vol. i. p. 636. vol. ii. p. 21, 339.—Biog. Brit. vol. iii. p. 1474.

Acts of Parliament.

1662. 13 and 14 Cha. II. c. 21. An act for preventing the unnecessary charge of sheriffs, and for ease in passing their accounts. Proviso, not to extend to Durham.

1667. To demise leadmines *ut supra*.

1667. 19 Char. II. c. 5. An act to extend a former act concerning replevins and avowries to the county palatines.

1672. Act for sending members to parliament *ut supra*.

The See continued vacant from the month of January 1671, the time of bishop Cosin's death, to the 22d day of October 1674, when

NATHANIEL CREWE, LL. D.*

was translated from the See of Oxford to Durham; he was enthroned on the 10th of November 1674, and soon after received restitution of the temporalties.

During the vacancy, the king oppointed Sir Gilbert Gerrard, knight and baronet, high-sheriff, on the 20th of March 1671; and after him Sir James Clavering, baronet, on the 9th of June 1673. Francis Goodrick, knight, who was chancellor at the death of bishop Cosin, was appointed keeper of the great seal; and he dying on the 18th of August, John Otway, esq; succeeded, on the 16th of September following.

In Pope's Life of Ward bishop of Salisbury (p. 90) we are told, this See was offered to him, which he refused "because he did "not like the conditions." What those conditions were, our author leaves us in the dark. In Mr Gray's MS. notes is the following relation, that may serve to illustrate the above passage, and which, he remarks, was *ex relatione Rich. I. earl of Scarbrough*, A. D. 1715. "After bishop Crewe had got a promise of the "bishoprick of Durham, it was long before he could get into "possession, though he diligently solicited matters; but still "something hindered, which he could not find out, till he applied "to lord Lumley: My lord discovered, that the king had promis-"ed a sum to be paid Mrs Eleanor Gwyn out of this bishopric, "and without agreeing with her, nothing could be done: Where-"upon the bishop, by his agent, applied to her, and agreed to pay "5 or 6000l. One Arden was bound with the bishop for the money, "and thereupon he got into possession: The money was duly "paid and the bishop made Arden his steward." From Browne Willis's authority it appears, that the duke of Monmouth received the revenues of this bishopric during the vacancy.

Bishop Crewe was the fifth son† of John lord Crwe, of Stene,

* There is a fine mezzotinto print of him done by Francis Place, which is rare, and not now to be met with; also another, three-quarters length, in his temperal robes, by Faber.

† This John lord Crewe was son and heir to Sir ‡Thomas Crewe, knight, one of

‡ The elder brother of Sir Thomas Crewe was Sir Randolph Crewe, knight, who, on the 1st of July 1614, was made serjeant at law, and on the 26th of January, 1624-5, constituted chief justice of the king's bench, but deprived of the same on the 9th Nov. 1626, for openly manifesting his dislike at Charles I.'s raising money by way of loan. On his being displaced, we are informed, he discovered no more discontent, than the weary traveller is offended, when told that he is arrived at his journey's end. He is said to have first brought the model of excellent building into Cheshire.—Dugd.—Fuller's Worth. (Chesh.)—Biog. Brit. note (a) to p. 1520.

in the county of Northampton, by Jemima, daughter and coheiress of Edward Walgrave, of Lawford, in Essex, esq. He was born at Stene on the 31st of January 1633, and in 1652 was admitted commoner of Lincoln college in Oxford, where he took the degree of bachelor of arts, the 1st of February 1655, and soon after was chosen fellow of that college. The 29th of June 1658 he took the degree of master of arts. At the restoration he declared heartily in favour of the crown and hierarchy, and in 1663 was one of the proctors of the university: the year following, on the 2d of July, he took the degree of doctor of law, and soon after went into holy orders. On the 12th of August 1668, he was elected rector of Lincoln college, upon the decease of Dr Paul Hood. On the 29th of April 1669, was installed dean of Chichester, and held with that dignity the precentorship, in which he had been installed the day before; he was also appointed clerk of the closet to king Charles II. In 1671, upon the translation of Dr Blandford to the See of Worcester, he was elected bishop of Oxford in his room, and consecrated the 2d of July, being allowed to hold therewith, *in commendam*, the living of Whitney, and the rectorship of Lincoln college; but the latter he resigned the 10th of October 1672. In 1673, he performed the marriage ceremony of James duke of York with Maria of Este. Through that prince's interest, (with whose measures he seems to have been very compliant) he was translated to the opulent See of Durham. In the beginning of the year 1675 he baptized Katharina Laura, the new-born daughter of James duke of York. The 26th of April, 1676, he was sworn of the privy council to Charles II. Upon the accession of James II. to the crown, he was in great favour at court, being thought most obsequious to the will of the sovereign: Accordingly, on the 29th of December, 1685, he was made dean of his majesty's chapel royal, in the room of Henry bishop of London, who had been removed; and within a few days after, admitted of the privy council. In 1686, he was appointed one of the commissioners in the new ecclesiastical commission, erected by king James, and was proud of that honour:* Bishop Burnet† says, "He was lifted up with

the serjeants at law to king Charles I., speaker of the house of commons in the 21st year of king James and 1st of king Charles; descended from the ancient family of Crewe, in the county palatine of Chester. Having been instrumental in the restoration of Charles II., he was advanced by that sovereign, in the 13th year of his reign, (20th April 1661) to the dignity of a baron of this realm, by the title of Lord Crewe of Stene, and to the heirs male of his body.

* He gave Dr Mangey a prebend of Durham, for a flattering dedication prefixed to a sermon, which, as Dr Richard Gray, then his domestic chaplain, assured Mr George Ashby he never read. He was fully satisfied with the dedication.

† Vol. i. p. 676. Edit. 1724.

"it, and said, now his name would be recorded in history; and "when some of his friends represented to him the danger of act- "ing in a court so illegally constituted, he said he could not live "if he should lose the king's gracious smiles; so low and so fawn- "ing was he" By virtue of that commission, he appeared on the 9th of August, at the proceedings against Henry bishop of London; and was for suspending him during the king's pleasure, though the earl and bishop of Rochester, and chief justice Herbert, were against it. Immediately after that bishop's suspension, commissioners were appointed to exercise all manner of ecclesiastical jurisdiction within the diocese of London, of which bishop Crewe was one. The 20th of November following, he was present at, and consenting to the degradation of Mr Samuel Johnson, previous to the severe punishment that was inflicted on that eminent divine. In the quality of an ecclesiastical commissioner, he countenanced with his presence a prosecution carried on in May, 1687, against Dr Peachy, vice-chancellor of Cambridge, for refusing to admit one Alban Francis, a benedictine monk, to the degree of master of arts in that university, without taking the oaths;* And in July the same year, he offered to attend the pope's nuncio, at his publick entry into London; but his coachman refused to drive him.† His name was again inserted in a new ecclesiastical commission, issued out this year, wherein he acted during the severe proceedings against Magdalen college in Oxford, for refusing to elect one Anthony Farmer their president, pursuant to the king's mandate. The bishop continued acting as an ecclesiastical commissioner (being stiled the grand inquisitor thereof) till Oct. 1688, when that commission was abolished. Towards the end of the year 1687, he was employed, with the bishops of Rochester and Peterborough, to draw up a form of thanksgiving for the queen's being with child. Thus he constantly complied with the king's designs, and coincided with his humours, till he discovered that the prince of Orange's party was likely to prevail: This induced him to absent himself from the council-board; and as he was servile, so was he abject: He threw himself in the way of the archbishop of Canterbury, to tell him he was sorry for having so long concurred with the court; and begged to be reconciled to his grace and the other bishops.‡ He found it was now time to retract, change his countenance, and counterwork his former principles; and in the convocation that met in January, 1688-9, to consider of filling the throne, he

* Kennet's Compl. Hist. p. 501.
† Kennet's Compl. Hist. p. 594.—Salmon's Lives of Eng. Bishops, p. 597.
‡ Ibid. p. 527.

was one of those who voted on the 6th of February, that James II. had abdicated the kingdom.* Notwithstanding all this, his thorough compliance with the late court's arbitrary designs, had rendered him so obnoxious to the nation, that he was excepted by name out of the pardon granted by William and Mary the 23d of May, 1690.† The bishop was so terrified with this public mark of ignominy, that he absconded for a time, and actually fled beyond sea. Kennet says,‡ "That he despaired of any favour "at the revolution, and was once got beyond sea in a fright; but "being brought back by the importunities of a domestic servant, "he made fresh interest in the new court and parliament, and "bought off the complaints of Mr Samuel Johnson and others, "who had suffered by him." Bishop Burnet likewise tells us.‖ "The poor bishop of Durham, who had absconded for some "time, and was waiting for a ship to get beyond sea, fearing "public affronts, and had offered to compound by resigning his "bishopric,§ was now prevailed on to come, and by voting the "new settlement, to merit at least a pardon for all that he had "done; which, all things considered, was thought very indecent "in him, yet not unbecoming the rest of his life and character." By what means he effected his purpose, is not easy to determine; but it is certain, he made his peace with the court, and preserved his bishopric: In order to secure himself the possession of that dignity, he was forced to permit the crown to dispose of, or at least to nominate, to his prebends of Durham as they should become vacant.¶

By the death of his two elder brothers in 1691, he became baron Crewe of Stene; and about the 21st of December in the same year, he married, but left no issue. During the rest of king William's reign, he remained quiet and unmolested, though not much considered. In 1710 he was one of the lords that opposed the prosecution then carried on against Dr Sacheverall, declared him not guilty, and protested against several steps taken in that affair.

In the latter part of his life he applied himself chiefly to works of munificence and charity: He was a great benefactor to Lincoln college, whereof he had been fellow and rector; and laid out large sums in beautifying the palace at Durham.

Many men have been canonized for much inferior works of beneficence than those of this prelate; his mistaken principles in

* Wood. Ath. Ox. † Stat. 2 Wm and Mary, sec. 1, chap. 10.
‡ p. 597. ‖ Vol. i. p. 822.
§ He offered to resign the bishopric to Dr Burnet, and trust to his generosity for the payment of 1000l. a year, out of it; but he was of too scrupulous a conscience to accept it upon any such terms. ¶ Biog. Brit. p. 1521.

the affairs of government, though they stain his memory, under the pens of political writers, are all obliterated from the benevolent mind by his charity and extensive acts of munificence. Some short time before his death, viz. 24th June, 1720, he made his last will and testament, whereby, after providing for his funeral, and giving several legacies to his friends, he devised unto the honourable John Montague, D. D. and then rector of Lincoln college in Oxford; the Rev. William Lupton, D. D. and prebendary of Durham; and to the Rev. Thomas Eden, LL. D. and also prebendary of Durham, their heirs and assigns, his several manors of Bamborough and Blanchland, and the advowsons, donations, and right of patronage and presentation to the churches of Bamborough and Shotley, and all other his manors, advowsons, messuages, cottages, mills, mines, quarries, meadows, pastures, closes, woods, underwoods, fishings, fisheries, tithes, rectories, rents, services, lands, tenements and hereditaments whatsoever, with their rights, members, royalties, privileges, and appurtenances, situate, being, or renewing within the town-fields, liberties, parishes, precints or territories of Bamborough, Blanchland, Thornton, Sunderland, Shrofton, Heatham, Bradnell, Berwick, Burton, Newham, Bradford, Fryars Lucker, Warringford, Monsin, Warrington, Tuggle, Budle, Shildon, Hadderyburn, Shotley, Westhaugh-head, Easthaugh-head, Easthaugh-foot, Thornton, Edmondhill, Houndsdonworth, Holy Island, and Norham, in the counties of Northumberland and Durham, which he had then lately purchased, and were of the yearly value of 1312l. 13s. or thereabouts, upon the trusts therein and herein-after declared. To each of his trustees he gave a dozen of silver trencher plates; to the poor of the city of Durham and suburbs thereof 200l. to the poor of bishop Auckland 100l. to Mr Richard Stonehewer, Mr Ralph Trotter, Mr Francis Pewterer, and every one of his domestic servants, a year's wages over and above what was then due to them: to his coachman's wife 10l. to Mr John Wallis and Mr Richard Gray, clerks, 80l. each: to his nephew the dean of Durham, for mourning, 100l. to his servant Thomas Batey 100l. He also gave to his nephew, the honourable James Montague the elder, esq; (who was with him beyond sea at the revolution*) 100l. to build a school-house at Newbold Verdon 30l. to his coachman John Coventry an annuity of 10l. a year, to survive to his wife and Thomas their son. And then declares, that the manors, &c. in the counties of Northumberland and Durham before devised to trustees, are upon trust and confidence, that they shall nominate and present

* Biog. Brit. note to p. 521, (c.)

to the churches of Bamborough and Shotley; and out of the rents of the said manors, &c. to pay 20l. to each of the twelve exhibitioners that he had already named and appointed, and to such as should be elected after his decease in Lincoln college, Oxford, who should be undergraduate commoners thereof, and natives of the diocese of Durham; and for want of such, of Northallerton-shire, Howden in the county of York, or of Leicestershire, and particularly of the parish of Newbold Verdon, or of the diocese of Oxford, whereof he was formerly bishop, or of the county of Northampton, in which he was born; to be elected and chosen by the rector and fellows of Lincoln college, and to enjoy the said exhibitions for eight years, if they so long continue resident in the colleges, and no longer, unless they have leave from the rector of the college to be absent, which he desires he will not grant but upon reasonable cause; and directs, that as often as any vacancy happens, other exhibitioners to be elected in their room within three months. Out of the said rents, the trustees are likewise to pay, to the minister of the parish church of Bamborough and his successors, 30l. yearly, and 10l. a piece in augmentation of twelve poor rectories, vicarages, small livings, or curacies, in the diocese of Durham.* To the ministers, lecturers, or curates of the parishes of All Saints and St Michael's in Oxford, Twyford in the county of Bucks, and Comb in the county of Oxford, belonging to Lincoln college, 10l. each yearly, for catechising youth within those parishes. To the eight poor scholars of Trap and Marshall in Lincoln college so much as will make up the scholarships to the yearly sum of 10l. a-piece. To the bible clerk of that college as much as will increase his salary 10l. a year. To the rector of the college 20l. and to the fellows 10l. each yearly: All which benefactions he gave as having had his education at that college, and whereof he was first fellow, and afterwards rector. To the alms-people at Durham and Bishop-Auckland, and others therein named, an augmentation of 40s. a year each. To the schoolmaster of North-Verdon 20l. a year. To the trustees of the hundred of Sparkenhoe, in the county of Leicester, for the relief of the widows, orphans, and children of poor clergymen deceased, within the said hundred, 10l. yearly. To the minister and church-wardens of the parish of Daventry, in the county of Northampton, and their successors, 6l. a year towards the maintenance of a charity school: And after

* 4th March 1723. Ordered by the executors, that the following poor livings be augmented with the annual sum of 10l. each for ever: Lanchester—Pittington—St Helen, Auckland—Barnardcastle—Witton upon Wear—Shotley—St Mary le Bow—Grindon—Castle Eden—Hartlepool—Hansterleigh—and Darlington.

stating, that the right hon. lady Stawell had a rent charge of 350l. per annum issuing out of his estates in the counties of Northumberland and Durham, he ordered that the surplus and residue of the rents should, during lady Stawell's life, be applied by his said trustees, and devised the same to such charitable uses as he should appoint by any writing or codicil under hand and seal, to be attested as therein mentioned, and for want thereof to such charitable uses as his said trustees should appoint, subject to the proviso therein contained: And after lady Stawell's death, he ordered all the surplus rents to be applied by his trustees, viz. 200l. a year to the chancellor or masters and scholars of Oxford, to be by them applied to such public uses in that university as he should order or direct, and in default of such direction, as the chancellor, &c. should appoint. 100l. a year to the mayor and aldermen of the city of Durham, to such charitable uses of the city and suburbs as he should direct, and in default thereof, to the putting out such and so many poor children of the city and suburbs, apprentices to such trades as the mayor and aldermen should appoint. 20l. to a schoolmaster to teach gratis thirty boys of the parish of Bishop-Auckland to read and write, and who should be taught for so long a time, and no longer than the minister, churchwardens, and vestry of the parish and their successors should elect and appoint; and 30l. annually to cloath the aforesaid thirty boys: The trustees to elect the master. And the residue of the rents he did will and direct should for ever after be applied and disposed by his said trustees to such charitable uses as he should appoint, and for want of such appointment, to such charitable uses as the said trustees should appoint. And by a proviso, the testator directed, that no part of such surplus rents should be given by his trustees for the increase or augmentation of any of the gifts, charities, or benefactions by him given to the university of Oxford, Lincoln college, or the city of Durham. He gave to the chancellor, masters, and scholars of Oxford, the pictures of Charles II. and Catharine his consort, and of James II. and Mary his consort, all drawn by Mr Riley. And that the said manors, &c. in the counties of Northumberland and Durham might be for ever thereafter conveyed and assured for the uses and under the trusts appointed as aforesaid, his will was, that when any one or two at the most of the trustees should die, then the survivors should within three months elect one or more clergymen, and no other persons, to be trustee or trustees, so as never to exceed five in number, which new trustees should have the same powers as those appointed by the will; and within three months after such election, the surviving trustees should grant and convey all the said

manors, &c. to the use of the surviving trustees, and of such persons so to be chosen trustees, and to their heirs and assigns, to the uses appointed, &c. the rector of Lincoln college for ever to be one. He gave all his books for such uses as he should appoint, and for want of such appointment, as his trustees should think fit; and after directing the trustees charges to be paid, he makes them residuary legatees and executors in trust, to apply his undisposed effects to such charitable uses as they should think proper. By a codicil to the above will, dated Sept. 17, 1721, *inter alia*, he gave to Mr Edw. Wortley, late ambassador to Constantinople, his silver cistern; to Mr James Montague his guilt tankard; to Mr Ralph Trotter the picture of Dorothy lady Crewe; to Dr William Lupton his picture drawn by Sir Godfrey Kneller, in his baron's robes; to the mayor and aldermen of the city of Oxford a dozen of silver plates for the use of the corporation, a silver plate for the altar of North-Verdon, and 30l. towards the altar-piece; to his secretary Mr Richard Gray his palatine and episcopal silver seals and seal manual.

He was very attentive to his palatine rights, and made strict enquiry into the ancient records, which he caused to be thoroughly searched, and stated by his secretary.* Mr Spearman who wrote his Enquiry in bishop Talbot's time, fired with much rancour and inveteracy, has loaded that work with scarcasms which foil its good purposes; there are, however many useful remarks, which serve to shew the barrier, and preserve the equilibrium, between the palatine jurisdiction and the subject. He says,† "Of the epis-
"copal order of this realm, none of them set up or aspired to so
"great temporal power as the bishops of Durham, who alone have
"long used and boasted of their united power of the sword and
"gown, as appears by the maxim found in Bracton, *Dunelma*
"*sola judicat ense et stola.* At the beginning of the late revolu-
"tion, an attempt was made in parliament to take away this
"county palatine and temporal power of the bishops of Durham;
"but it did not succeed, because the government was not then
"well settled, and there was not then a union with Scotland:‡

* The copy I have is in Mr Stonehewer's hand-writing, and dated "21 Feb. 1697, 10 Will'm III. 23 pont. & transl. Nath. D'ni Crewe, e'pi Dunelm."—From this collection Mr Spearman published his first part of the Enquiry, &c. *literatim.*

† p. 38.

‡ *Reasons for continuing the county palatine of Durham.*

1. That the said county is an ancient county palatine, and was made such in the time of William the Conqueror, as some hold,—see Davis's Rep. fo. 61. 6. Le case del co. palatine de Wexford; or at least in the beginning of the reign of Richard I. as others write,—vide Spelman's Glossar. Verb. Comites, and ib. De Comitatibus Inferiorum Ætatum, sect. confertur.

2. That the said county hath all the courts of justice, and the same jurisdiction royal that was granted to the D. of Lancaster by the charter of Edward III.——Davis's

" and therefore it was not thought prudent to make any alteration " in the administration of affairs in this county, bordering upon " Scotland, only by taking away the lieutenancy from the then " bishop, and lodging it in the late right honourable Richard " earl of Scarborough. It has been generally esteemed, (and " so many of the most eminent lawyers have been heard to say) " that all county palatines, franchises, peculiar liberties, and in-

Rep. fol. 62.——See also Co. 2. Institut. 357 Verb. but otherwise; and 4 Institut. 216 Verb. Yet I find, fol. 218, ib. verb. in an information.——Vide etiam Manley's Interp. Verb Franchise; where it is said, the counties of Durham, Chester, &c. are called in one of the statutes of this realm *Seigniories Royal.*

5. That since this county was made a county palatine, it hath enjoyed the privileges, immunities, and exemptions of a county palatine, inviolably and uninterruptedly; saving, that in the 7th year of Edward VI. the then great duke of Northumberland procured the bishopric of Durham to be dissolved by an act of parliament (which is not printed among the public acts, but is mentioned in Wingate's Abridgement Verb. Durham.) But it was afterwards restored in the parliament of Mary I. and thereby are annexed to the county palatine of Durham all jurisdictions, ecclesiastical and temporal, as Wingate says in the place above cited. And at all times, right and justice have, within the same county, been distributed to such of the inhabitants thereof as have sued for the same in any of the courts of the county palatine; which has been and is of great ease and advantage to the people of the whole county in general, and of the city of Durham in particular: And that the rather, because they are not obliged to have recourse to London, to sue when they have occasion, but may have right done them within their own county.

4. That all the bishops of Durham, at their first entrance and enthronization, take a solemn oath to defend and preserve all the accustomed rights, and privileges, and immunities of the bishopric and county palatine of Durham: And the city of Durham, and all other corporations in that county, hold their charters from the bishop, to the observance of whose privileges they are all sworn and bound, not to attempt or act any thing to the contrary; as saith bishop Cosin, the late bishop of Durham, in his answer made to certain printed reasons for knights and burgesses to represent the county palatine of Durham.§

5. That the present king, in his declaration when prince of Orange, 10th Oct. 1688, shewing the reasons why he entered England, declares, *(inter alia)* That his expedition was intended for no other design, but that all the boroughs of England should return to their ancient prescriptions and charters; and therefore, it is humbly hoped, that the county of Durham, and town corporate of the same county, shall have continued to them their prescribed rights of the county palatine.

6. That if, these reasons notwithstanding, authority shall not think fit to continue the same county palatine, in the name and person of the bishop of Durham; nevertheless, it is hoped, that the said county will be annexed to the crown, so as to remain a county palatine still: And that the rather, for that the county palatine of Chester, which is another county palatine by prescription, was made a county palatine in the in the time of the Conqueror, and Hugh Lupus was made first count palatine thereof, —Co. 4. Inst. 211. Verb. we find; and Manley's Interp. Verb. Pleas of the Sword. And though afterwards Henry III. took it into the crown, who gave other lands in exchange for it to the aunts and coheirs of the said Hugh Lupus, (to which seizure the king was induced *Ne tanta hæreditas inter colos diduceretur*, as saith the aforesaid bishop of Durham, in his second or larger answer made to the aforesaid printed reasons) yet did the said county continue a county palatine, and still does so, save as to some alterations made by the statute in the time of Henry VIII.

[Ex quod. MSS. Gab. Swainston penes Tho. Gyll.]

§ See pages 669 and 673 of this work.

" ferior jurisdictions, were a prejudice to the subject in general, " and cramp the execution of the laws; and that it was most " reasonable that all his majesty's subjects should be on the same " bottom, and governed by the same laws. The bishops of Dur- " ham have for many ages claimed and held this county palatine " by prescription; and the reason that hath been always assigned " for the usage of such county palatine was, that it bordering " upon Scotland, then frequently in wars with England, it was " requisite to lodge an immediate power in some neighbouring " noblemen, to raise troops to defend the country, and oppose " the sudden inroads of the Scots, and that for expedition sake " was often necessary, before the kings of England could be timely " consulted, they being often abroad in foreign dominions, in " wars, and upon other public occasions."

Mr Spearman also tells us, " That bishop Crewe, in the latter " end of his time, made an entry upon an estate at* Hullam and " Sheraton, upon the death of serjeant Stroud, he claiming the " same as an escheat for want of an heir, and got the tenants to " attorn, and kept possession till the heir at law, Mr Evans, " brought his ejectment. This the bishop illegally did, without " an office found; but was told by the heir at law's solicitor, (Mr " Wm Lee) in a letter,† that his predecessor Anthony Beke, for

* The estates at Hulam and Sheraton, which gave occasion for the following letter, were part of the inheritance of the family of Stroud, and afterwards sold by Mr Evans to lady Carr, widow of Sir Ralph Carr senior, and by her devised to her grandson Ralph Carr of Cocken, esq; who, in the year 1739, sold the same to Anthony Wilkinson of Durham, esq; for 8500l. and in whose family it remains.——Gyll's MSS.

† " My lord, the rights and privileges of your lordship's county palatine having been often examined in parliament, upon several petitions and informations, which have been exhibited both by and against your lordship's predecessors, Mr Evans is advised by his counsel, to exhibit his information in parliament against your lordship; for that your lordship and agents have entered upon and detain his inheritance, (under pretence for being an escheat) without having either your lordship's title first found upon record, or suing out of legal process, to warrant the entry of your lordship's officers.

This proceeding, my lord, he is advised, is a manifest violation of the rights and privileges of the gentlemen and freeholders of the county of Durham, established to them by the public submissions of your lordship's predecessors; confirmed and ratified by the crown.

That it is directly contrary to the known usage and constitution of the county palatine; that it tends to vest a higher prerogative in your lordship, than is claimed and enjoyed by the crown itself, who cannot, in this case, enter upon the estate of any subject, without an inquisition first taken to find the title of the crown:

That it tends to subvert and evade the several laws made for restraining of the prerogative, and for securing the rights and properties of the subject; particularly by the statute of Magna Charta, chap. 29. which provides, that no freemen be disseized of his freehold, without lawful judgment of his peers. Stat. 28. Edw. III. chap. 3. which further provides, that no man shall be disinherited without due process of law; and hath been since confirmed by the petition of right, 3 Char. I. chap. 1. and the statute 16 Char. 1. chap. 14. that it is also contrary to the statute of 5 Rich. II. chap.

" the like offence, had been impeached in parliament. The " bishop thereupon surrendered the possession, and paid costs;

7. which provides, that none shall make entry into any lands, but where the entry is given by law: As also the statute 8 Hen. VI. chap. 9. made against forcible detainer of possession; and several other statutes and public laws, too tedious to be recited:

That if such proceeding as this should be brought into practice, it would absolutely destroy the ancient privilege, which all the freeholders in this county have hitherto enjoyed, in having an opportunity given them to defend their rights, both upon taking the inquisition, or finding the title of the bishop, and traversing the inquisition after it is taken.

And if this proceeding against Mr Evans can be justified, it is conceived, the bishop of Durham may, under colour of the same right, enter and seize upon all men's inheritances within the county, and put all to make out their title, before the bishop makes out any.

Your lordship has certainly been very ill advised in this affair, and if the opinion of any eminent counsel has been taken, I doubt they have either been misinformed, or not very well instructed in the constitution, rights and usages of the county palatine.

I dare, my lord, undertake to produce five thousand precedents of inquisitions taken, for finding the bishop's title upon record, before an entry was ever made; and it does appear, that the bishop's officers used always to enter, in cases of this nature, by virtue of a special writ for that purpose, setting forth the title as it was found; and (indeed my lord) I have reason to believe that such a seizure as this was never attempted by any of your lordship's predecessors, since the time of Anthony Beke.

That bishop (whose character your lordship cannot be unacquainted with) did take upon him to seize on several estates within the county, without suing out any writ or commission for having his title first found, and without awarding of any process, to warrant that entry: But how sensible the gentlemen of the county then were of the tendency it had to bring them under slavery and arbitrary government, what disturbance it bred within the county, and what were the consequences that attended that case, will best appear from the records of those times.

I shall only beg leave to put your lordship in mind, that one of the articles then agreed to between that bishop and the gentlemen and freeholders of the county, upon the mediation of king Edward I. was, That neither the bishop, nor any of his successors, should ever afterwards seize any man's estate without first suing a writ or commission out of the bishop's court of chancery.

I doubt (my lord) your lordship's agents do not distinguish very well betwixt the case of the bishop of Durham, and of an ordinary lord of any manor, where no person is in possession of the estate, against whom he may bring his escheat, for otherwise, the lord of the manor would be without remedy.

But the bishop of Durham will appear, I believe, to stand upon a different foot; he has rather remedy for escheat, and ought to be considered as a public person, *(quasi rex)* and under a capacity much different from a private lord of a petty manor; such a right in a private lord, and in a particular case only, cannot be hurtful to the public; but such a power in the crown, or in the bishop of Durham, who has *jura regalia*, within his county palatine, may admit of a different consideration.

It must be agreed, my lord, that the bishops of Durham have been always esteemed to be persons invested with royal dignity, or as it is expressed in the ancient record, *jurisdictionem temporalem in omnes subditos suos libertatis Dunelmensis et authoritatem regium tanquam personæ privilegis regalibus, insignite per ministros, exercuerunt*; or as another record expresses it, *tanquam reges et principes mitram gesserit loco coronæ in signum suæ regalitatis*; yet it must be allowed at the same time, that all the liberties of the bishop have been adjudged to be derived, and still dependent upon the crown, to be circumscribed by the same laws, to be all forfeited upon the misuser or abuse of them, during the bishop's time who commits the abuse; and that they have been accordingly seized, both upon judgment in parliament, and other courts; and

"but was so well satisfied with the solicitor's plain dealing, or "rather his knowledge of the palatine rights, that he granted

that the reason given in some of these judgments, why the bishop's liberty ought to be forfeit, for any misuser or abuse of it, is, *quia justum est quod in eo quo peccat, in eo puniatur;* or as we find it expressed in another of them, *in eo quo insignius delinquit, sit de jure puniendus.*

In short (my lord) Mr Evans is advised, this proceeding is a very great misuser of the liberty, and he having received your lordship's answer, that he is not to expect any favour, or any restitution of his estate, until he does by law recover it; your lordship having likewise thought fit to deprive him of all the best counsel of the circuit, he is partly necessitated, and does resolve to exhibit informations, both in parliament and the court of Queen's Bench, in order to have the illegality of these proceedings examined into.

I was indeed desired by him to exhibit his information in parliament, the first day that the parliament sat, but I was unwilling, in a case of this nature, to take any advantage of your lordship's absence, or to proceed any farther upon it, until I had given your lordship fair notice of the measures intended to be taken; so that your lordship might have an opportunity of advising further upon the case, and of being satisfied, in these matters, from your lordship's own counsel.

Mr Evans, my lord, knows nothing as yet, of my writing any thing to your lordship; but I must do justice to my client, and intend to let him know by next post, what I have done, for he is very pressing to have his prosecution carried on with all vigour and expedition; and it cannot, I think, reasonably be expected, that an estate of three or four hundred pounds per annum should be lost without some struggle; or that the title of Mr Evans, which has been long since proved, allowed and decreed by the court of chancery, is to be easily overthrown by an imaginary title, that has not yet, in fifty years time, been so much as found by a common inquest.

It is true, my lord, Mr Evans, at present, is somewhat a stranger to most of the gentlemen of the country, and his interest in parliament is not, perhaps, very considerable; however, he does not doubt, but that justice will prevail in that honourable house, and that some will be found to stand up in the defence of the liberties of the country.

I am afraid my lord, I have trespassed too much upon your lordship, but your lordship may be assured, if it were not from a respect I have for your lordship's honour, as well as interest, I should hardly have taken so much pains to convince your lordship, and to deprive myself, at the same time, of these advantages, which I had reason to expect from such a prosecution as this might be.

I shall submit the whole to your lordship's censure and consideration, hoping your lordship will believe me to be, with the utmost respect, my lord, your lordship's most obedient servant,

WILLIAM LEE."

Acts of Parliament.

1700, 11 and 12 Wm III. cap. 9. Costs in malicious actions in trespass, extended to county palatines. No arrests on writs from K. B. into county palatine for less than 20l.

1713, 12 Anne, cap. 8. Private act for making the chapelry of Stockton in the county of Durham a distinct parish from Norton.

1714, 1 Geo. I. cap. 42. Private act for explaining and making more effectual an act passed in the 11th year of the reign of her late majesty queen Anne, intituled, An act for making the chapelry of Stockton in the county of Durham a distinct parish.

1717, 3. Geo. I. cap. 15. Sheriffs accounts passed in the court of exchequer at Westminster, Durham sheriff excepted.

1719, 5 Geo. I. cap. 19. Private act for making the town and township of Sunderland a distinct parish from the parish of Weremouth in the county of Durham.

"to him and his son a patent for life of the office of register of "the court of chancery at Durham."

Gray's MS. Notes.—Baxter's Life, pl. ii. p. 22, calls him "the son of that wise and pious man the lord Crewe."—Ath. Ox. vol. ii. p. 1045, 1177, f. 159.—Kennet's Hist. vol. iii, p. 557.—Was pardoned at the intercession of Dr Tillotson and Dr Bates; see Tillotson's life.—2d July 1721, being the anniversary of his consecration, Dr Lupton preached before the bishop at Stene, on Prov. iii. 16, in which sermon he very much commends the bishop, who had then been 50 years bishop: This sermon was printed at Oxon by an imprimatur of the vice-chancellor. Vid. his character in the life of archbishop Tillotson by Dr Birch, p. 137, and bishop Patrick's life in the General Dictionary.

The See vacant.

James Clavering, bart. ap. high-sheriff, 9th June 1673.

Fra. Goodricke, knt. chanc. ap. keeper of the great seal, 9th Mar. a° reg. 24. He died on Monday, 18th August, at the house of Richard Neile, esq; under-sheriff, in the North Bailey. Buried at Ribston 1673.

Joh. Otway, mil. vice-cancellarius com. palat. Lancastriæ & utrus consiliarior. regis constitutus canc. & custos magni sigilli apud Westm. 16th Sept. 1673. Son of Rog. Otway of Sedbergh in co. York, gent. fellow of St John's college, Camb. Studied the law in Gray's Inn.

Gilbert Gerrard, bart. constable of the castle.

Robert Cole, esq; counsellor at law, seneseal.

NATHANIEL CREWE, LL. D. bishop of Oxford; translated to Durham 22d Oct. 1674.

Enthroned 10th Nov.
Temporalities restored.
Dean of the royal chapel 29th Dec. 1685.
Married Dorothy Foster, 23d July 1700.
Ob. 18th Sept. 1721, æt. 88.
Buried in the chapel of Stene, 30th Sept. 1721.

Officers of the See during the time of Bishop Crewe.

High-sheriff,—Sir Gilb. Gerrard, bart. ap. 29th Dec. 1674. Rot. 1, N° 1.

Nich. Conyers, esq; ap. 28th Dec. 1675; ob. 27th Mar. 1686.

Hon. Cha. Montague, esq; oc. 4th Mar. 1686.

Mark Shafto, esq; oc. 1709; ob. 28th Dec. 1723; bur. in Whitworth ch.

Under-sheriffs,—John Spearman, gent. ap. 29th Dec. 1674; Rot. 1. N°. 4; afterwards ap. for life; confirmed by dean Sudbury and Chap. 22d Oct. 1675; ob. 1703; bur. in the Cath. church yard.

Horace Alston, esq; pat. for life; nephew to bishop Crewe; bur. in the Cath. ch. garth, Dec. 1712.

John Shafto, gent. ap. for life 5th June, 1712; confirmed 26th Jan. 1712; the first patentee for life that survived any bishop.

Temporal-chancellors,—J. Otway, knt. ap. 10th Sept. 1675; Rot. 1. N° 2; confirmed by dean Sudbury and Chap. 15th Sept. 1675; died 15th Oct. 1693, at his seat at Ingmire-hall, in par. Sedberg, æt. 75.—See epitaph in Burne's Hist. of Westmorland, p. 259.

Robert Dormer, esq; of Lincoln's Inn, ap. 2d Nov. 1693; confirmed 23d Nov. Reg. Comber.—Member of parl. for Northallerton 1701, 1702, and 1705; younger brother of John Dormer, of the Grange, co. Bucks, bart. ap. one of the justices of the Common Pleas by Q. Anne, on the death of Sir Edw. Neville, knt. 1705. He was attorney general to lord Crewe 1676; ob. 18th Sept. 1726, æt. 77.

Dormer Parkhurst, esq; ap. 17th April, 1719, on sur. of Dormer; confirmed 1st May, 1719. Reg. Comber.

Constables of the castle,—Gilb. Gerrard, bart.

John Parkhurst, esq; ap. for life 13th Oct. 1676; confirmed by dean Sudbury and Chap. 16th Oct. 1676.

His lordship departed this life on Monday the 18th day of September 1722, aged 88, and was buried in his chapel at Stene, the 30th day of the same month: The following inscription is on his monument:

"Near this place lyeth the Body
Of the Right Reverend and Right Honourable
NATHANIEL LORD CREWE,
Lord Bishop of Durham and baron of Stene,
Fifth Son of John Lord Crewe.
He was born Jan, 31, 1633,
Was consecrated Bishop of Oxford 1671,
Translated to Durham in 1674,
Was Clerk of the Closet and Privy Counsellor
In the Reigns of King Charles II. and
King James II.
And died Sep. 18. 1722,
Aged 88."

He held the See of Durham forty-seven years, as he had done that of Oxford three, continuing a bishop fifty years, three months, and two days; which was longer than any Englishman ever enjoyed that honour, except Thomas Bourchier, archbishop of Canterbury, who held the Sees of Worcester, Ely and Canterbury, fifty-

Cha. Montague, esq; by the surrender of Parkhurst, ap. for life 24th July, 1684; confirmed by dean Sudbury and Chap. July, 1684.—Mar. Eliz. Foster 3d Sept. 1685.—Surrendered to his son James Montague and died 1721.
James Montague, esq; ap. for life; dat. ap. Lond. 26th Dec. 1615; confirmed by dean and Chap. 12th Nov. 1718.

Seneschals,—John Jefferson, counsellor at law, ap. for life 9th Jan. 1674; was afterwards a judge in Ireland; confirmed 17th April, 1675.
Nich. Cole, gent. ap. for life 25th April, 1675. Rot. 1. N° 3.
Cha. Montague, esq; ap. for life 2d Dec. 1690; confirmed 6th Dec.
John Rudd, esq; ap. for life 5th Oct. 1709; confirmed by dean Montague and Chap. 5th Oct. 1709.
Lanc. Hilton, of Stockton, gent. ap. for life 4th Nov. 1715; confirmed 9th Feb.
David Hilton, of the Middle Temple, gent. ap. for life 18th May, 1719; confirmed by dean Montague and Chap. 26th May.

Registraries,—Rob. Hilton, gent. not. pub. ap. Aug. 1705. From an Act-Book.
—Peter Burrell, dep.
Rob. Hilton, of Bishop Auckland, and Ra. Trotter, of the city of Durham, gent. ap. jointly for life 17th July, 1708; confirmed same day. From a paper Act Book, fol. 1705 and 1710.

Attornies general,—Ra. Humphrey, arm. 1675.
Rob. Dormer, arm. oc. 2d May, 1684 and 1702.
Henry Lambton, esq; oc. 1709.
Geo. Bowes, 1713.

Solicitors general,—Rob. Dormer, arm.
Geo. Bowes, arm. 1694.
John Rudd, arm. 1713.——Randal's MSS.

one years and twenty-one days. His lordship dying without issue, the title of Baron Crewe of Stene became extinct with him.

Lord Crewe dying on the 18th of September, leave for electing a successor to the See of Durham was granted on the 30th of the same month; and on the 12th of October, 1721,

WILLIAM TALBOT, S. T. P.

then bishop of Sarum was translated to Durham; enthroned on the 14th of December; and soon afterwards received restitution of the temporalities.*

This Bishop was the only son of William Talbot, esq; of Litchfield, by Mary, the daughter of Thomas Doughty, esq; of Whittington, in Worcestershire; he was born at Stourton castle, in Staffordshire, one of his father's seats, a little before the restoration of Charles II. was admitted a gentleman commoner of Oriel college in the beginning of the year 1674, at the age of fifteen; and the year following performed remarkably well in a speech in the *Encœnia:* He took the degree of bachelor of arts on the 16th of October, 1677; and proceeded to master of arts on the 23d of June, 1680: After which, he entered into holy orders; obtained the rectory of Berfield, in Berkshire; and married the daughter of Mr Crispe, an eminent attorney at Chipping Norton, in Oxfordshire: After the revolution, by the interest of his kinsman Charles Talbot then earl of Shrewsbury, he was promoted to the deanry of Worcester on the 23d of April, 1691, in the room of Dr Hicks, ejected for refusing to take the oaths to the new government: In June following, he was diplomated doctor in divinity by archbishop Tillotson; and, distinguishing himself in the pulpit, was more than once called to preach before the queen: Upon the demise of Dr Fell, he was advanced to the bishopric of Oxford, to which he was consecrated the 24th of September, 1699, with leave to hold his deanry *in commendam:* His doctor's degree was recognised in the university soon after his coming to the See of Oxford: On the accession of George I. he was made dean of the chapel royal:† He held the above bishopric till the year 1715, when he succeeded Dr Burnet in that of Salisbury; and upon the death of lord Crewe, was translated to the bishopric of Durham, on which occasion he resigned the deanry of the chapel royal: In the year of his translation he was made governor of the Charter-house; and on the death of Richard earl of Scarborough, the king appointed him lord-lieutenant and custos rotulorum of the county palatine of Durham.

* See Biographia Britannica, vol. vi. p. 3905. † Gray's MSS.

The bishop made his public entry into his diocese on the 12th of July, 1722, when Dr Mangey made an elegant and public speech of congratulation at Farewell-hall: He went directly to the cathedral church to prayers before he entered his palace, and pronounced his blessing from the throne; he preached from thence on Sunday the 15th of July, and on the 4th of August visited Newcastle.

He rendered himself very unpopular by two measures which he pursued. The one was a bill which he brought into parliament in February, 1722, and which passed the house of lords, to enable bishops to grant leases of mines, which had not theretofore been demised, without consent of chapters.* Spearman

* *An act to enable archbishops, bishops, colleges, deans and chapters, hospitals, parsons, vicars and others, having spiritual promotions, to make leases of their mines, which have not been accustomably letten, not exceeding the term of one and twenty years, without taking any fines upon the granting or renewing the same.*

[To which are added some few clauses intended to be offered to the Committee, which, by way of distinction, are printed with commas before the lines, together with some notes or remarks thereon.]

WHEREAS there are divers mines of copper, tin, lead, iron, coals, and other ores and minerals, in the honours, manors, lands, wastes and commons, parcels of the possessions of the archbishoprics, bishoprics, colleges, cathedral churches, hospitals, parsonages, vicarages, and other spiritual promotions, within that part of Great-Britain called England, and the dominion of Wales, or united, appertaining or belonging to some of them, which not having been most commonly letten, the said archbishops, bishops, colleges, deans and chapters, hospitals, parsons, vicars, and others having spiritual promotions, are therefore by law disabled† to make such leases thereof as may be an encouragement for many persons to search for or work the same; by reason whereof the mines lie unwrought, to the great loss and prejudice not only of the archbishops, bishops, and other the ecclesiastical, spiritual, and collegiate persons aforesaid, and their successors, but of the kingdom in general.——For remedy whereof,

Be it enacted by the king's most excellent majesty, and by and with the consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, that from and after the 25th day of March, in the year of our Lord 1723, it shall and may be lawful, to and for every the archbishops, bishops, masters and fellows of any college, deans and chapters of any cathedral or collegiate churches, masters and guardians and brethren of any hospital, parsons, vicars, and others having any spiritual or ecclesiastical living or promotion, within that part of Great-Britain called England, or dominion of Wales, their and every of their successors, by writing indented under seal, to demise, lease, or grant all and all manner of mines of copper, lead, tin, iron, coals, and other ores and minerals, being parcels of the possessions of such archbishoprics, bishoprics, college, cathedral church, hospital, parsonage, vicarage, or other spiritual promotion, or united, or any otherwise appertaining or belonging to any of the same,‡ " not being copyholds or ancient lease-

† Note. That the recital as to those several ecclesiastical persons being by law disabled to make leases of those mines, is not true; for that they all of them have power at present to make such leases, either of themselves alone, or otherwise, with the confirmation of such as have right to confirm them; so that it's conceived, that there is no manner of occasion for this bill.

‡ It's hoped this honourable house will upon mature consideration of the ends and real designs of this bill, think fit to throw it out; but in case the house should incline

tells us,* "That this attempt alarmed the whole nation, and a "vigorous opposition was made thereto, particularly by the dean

holds, part or parcel of the same premisses," §to any person or persons, bodies politic or corporate, for any term or number of years not exceeding the term of one and twenty years‖ in possession, and not in reversion, or by way of future interest, with all convenient and proper liberties and powers for searching, digging, southing for, getting, winning, or working the same, and carrying away all the produce thereof, under such rents and reservations, payable yearly during the said terms, to the lessors and their successors, as to the said lessors respectively shall seem meet and convenient; ¶so as nothing herein contained shall be construed to give any liberty to any archbishop or bishop, or other ecclesiastical person, to sell, cut down, or dispose of any of the wood or timber belonging to his or their bishoprics, or other ecclesiastical livings or promotions, in any other manner than they or any of them were enabled by law to do, before the making this act.

** "And so as nothing in this act shall be construed to empower any of the said archbishops or bishops, or other ecclesiastical persons, to lay waggon-ways, or to lay or make any other ways or passages, in, through, or over any of the grounds belonging to other persons, save where they had right to make such ways before the time of making this act."

And so as no sum or sums of money, or other matter or thing whatsoever, be taken directly or indirectly, by way of fine or income, for or in respect of the making or renewing of any such demise, lease, or grant. ††"And so as no leases to be granted by the said archbishops or bishops by virtue of this act shall be accounted valid, unless confirmed by their respective deans and chapters."

* Enquiry p. 75.

to alter the bill in such a manner, as that some of those ill consequences, which are apprehended from it, may be in some measure prevented; then it is humbly submitted to the judgment of the committee, whether this clause, which is here inserted, as to copyholds and ancient leaseholds, will not be very proper for preserving the rights of the owners or tenants of the said grounds.

§ That the lord bishop of Durham, or such other bishops as are most commonly concerned in mines, have the less reason to object against this clause relating to copyholds and ancient leaseholds; for that it's conceived they will have advantage enough by working the mines within the wastes of their several manors, which in the bishopric of Durham are very large, and where the bishop can have no just occasion to injure his leasehold or copyhold tenants, by endeavouring to destroy their inclosed grounds.

‖ That the terms of twenty one years, and three lives, are the terms which have been settled and established by the statutes of 23 Henry VIII. and 1 Elizabeth, and several other statutes; but for some private purposes, are endeavoured to be changed and broke thro' by this bill.

¶ That this restraining clause, as to the cutting of wood and timber, is conceived to be necessary, because there have been former attempts made by some bishops of Durham, to destroy the wood and timber in that bishopric, under the pretence of its being of use to them in the working of their coal-mines, and other mines of lead and iron.

** That this restraining clause, as to laying of waggon-ways, is all conceived to be necessary in this case, because it is apprehended that a power is endeavoured to be gained by this bill, of laying waggon-ways, or other ways, over the inclosed grounds, at least of the said leasehold and copyhold tenants, and of gaining a power likewise to grant leases of such way-leaves for some particular advantages to be made of the same: In order to which, it is conceived, exceptions have been attempted to be inserted upon the renewal of leases from the bishop of Durham, wherein the way-leaves have been specially reserved to his lordship, contrary to the form and custom in the renewal of former leases, and which ought not to be varied, as hath been judged in many cases, without the consent and confirmation of the Chapter.

†† That the Chapter's confirmation of bishops leases, is not more requisite or necessary in any case whatever for the good and benefit of the successor, than it is in the case of leases of mines, especially of mines that were never open or leased before; because,

" and chapter of Durham, and the copyholders and leaseholders

And so as every such demise, lease or grant to be made by any parson or vicar, *or any of their successors, be confirmed by their respective patrons and ordinaries, " Provided† always, nevertheless, that it shall and may be lawful for any of the said archbishops and bishops or other ecclesiastical persons, to grant a licence or licenses, from time to time, to any such leaseholder or copyholder, to open and dig any mines or quarries, in any such copyhold or leasehold premisses as are held by him under such contracts and agreements as at any time hereafter shall be made or agreed upon, by any such archbishops or bishops, or other ecclesiastical persons, and their leaseholders and copyholders, to be confirmed by the dean and chapter, any thing in this act contained to the contrary in any wise notwithstanding."

Provided‡ always that this act shall not extend to any mines belonging to any such archbishopric, bishopric, college, cathedral church, hospital, parsonage, vicarage, or other spiritual promotion, which have been most commonly letten by the space of twenty years next before the making this act; but that all such mines may be granted, demised, and leased, as they lawfully might have been, in case this act had never been made, any thing herein before contained to the contrary hereof in any wise notwithstanding.

And be it further enacted, that this act shall be taken and allowed in all courts within this kingdom, as a public act, saving and reserving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and coporate, their heirs, successors, executors, administrators and assigns, (other than and except the said archbishops, bishops, masters and fellows of colleges, deans, and chapters of cathedral and collegiate churches, masters and guardians, and brethren of hospitals, parsons, vicars, and others having spiritual and ecclesiastical livings and promotions, and their respective successors; all such right, title, interest, claim or demand whatsoever, as they or any of them might, could, or ought to have had, claimed, held or enjoyed, in case this act had never been made, any thing herein before contained to the contrary thereof in any wise notwithstanding.

☞ It does not appear that any of those ecclesiastical persons mentioned in this bill, can have any advantage at all by it, save only some bishops, who may be desirous to dispose of the mines for their own advantage, without the controul of any of their chapters; nor does it appear that any, save the bishops concerned in the mines, have any way solicited the passing of this bill.

in that case, there is a new rent to be created and established, which is the only provision that the successors have to depend on, during the continuance of the lease; and if that should be left to the present bishop alone, he may grant a lease of the richest of mines, to any one in trust for himself, or any other, reserving a pepper-corn to his successors; besides that, great care ought to be taken for the sake of the successors, that proper covenants and provisions be inserted in all leases of mines, for the fair working of them, and to prevent the ruin and destruction thereof, upon the account of any hasty advantages proposed to be made by the present bishop or his lessees.

* That it is admitted by the bill, that it is necessary and proper, that all leases to be made of such mines, by parsons and vicars, ought to be confirmed by their respective patrons and ordinaries.

† That this clause may be both an encouragement to all leasehold and copyhold tenants, to make trials and discoveries of mines within their inclosures, and to permit the same to be opened and wrought, which they are not obliged to do at present; and it may also very much tend, not only to the benefit of such bishops, or other person, as are to grant licenses for the working thereof, but to the advantage of the public likewise, which is so much pretended to by the now bill.

‡ As to the proviso inserted in this bill, that it shall not extend to leases formerly granted; it is apprehended, that the design of it is, that where any such leases have been granted by the late bishop of Durham, without the Chapter, that the present bishop may avoid them as illegally granted, and yet that he may grant new leases thereof, without his Chapter, by virtue of this act, and make them all chargeable with fines, notwithstanding the provision in this bill.

" of this county;* for it appeared to them that the bill was cal-
" culated for the bishop of Durham and his family only, and not

Whilst the bill depended in the house of lords, it was not any way made known to those who are chiefly concerned in it; and if the chapter of Durham had not had reason to believe that their right of confirmation had been expressly saved, it would hardly have passed the lords' house without opposition.

And as the bill, as it now stands, appears to be calculated for the serving of private ends only, it's hoped the house, for that reason amongst many others, will reject it, and give leave to bring in a new bill for the better discovery, opening and working of all mines as are not yet opened, and other purposes, which may be more for the good of the public.

* *To the honourable the knights commissioners and shires, citizens and burgesses, in parliament assembled.*

The humble petition of divers leasehold and copyhold tenants of and within the bishopric of Durham.

Sheweth,

That a bill having lately passed the honourable house of lords, entituled, An act to enable archbishops, bishops, colleges, deans and chapters, hospitals, parsons, vicars, and others having spiritual promotions, to make leases of their mines which have not been accustomably letten, not exceeding the term of one and twenty years, and without taking any fines for granting or renewing the same, your petitioners had not any notice thereof, till very lately, and till after the said bill was sent down from the lords to this honourable house.

That upon perusal and consideration of the said bill, your petitioners do humbly conceive and are advised, that in case the said bill should pass into a law, your petitioners undoubted rights and properties will be greatly prejudiced, if not utterly destroyed and taken away.

Wherefore your petitioners humbly pray, that they may be heard by their counsel against the said bill,

And your petitioners shall pray, &c.

The case of the dean and chapter of Durham, upon the bill depending in parliament, for enabling archbishops, bishops, and others, to grant leases of mines not accustomably letten.

Deans and chapters have been and are esteemed as the counsel of archbishops and bishops; and amongst other good purposes, to consent to every grant, &c. which they shall make to bind successors; it not being reasonable to repose so great a charge or confidence in any sole person, or to give power to any one person only, to prejudice his successors, (Coke 3, Report, dean and chapter of Norwich's case.) Deans and chapters as is well known, did accordingly constantly confirm all such leases, before the enabling statute was made, 32 Hen. VIII. and had an undoubted right to do so, by the common law: And if that enabling statute, or the private statute 1 Eliz. and other the restraining statutes made in her reign, for abridging archbishops and bishops, and other ecclesiastical persons, from making long leases, have not varied or taken away such the ancient right of deans and chapters, which they had by the common law, and constant immemorial usage before that statute, such right of confirmations must still, and does now belong unto them.

It must be admitted, that by the enabling statute, 32 Hen. VIII., in all leases made for three lives, or twenty-one years in pursuance thereof, all the restrictions and necessary requisites thereby enacted, must be punctually observed, or such leases will not be good against successors, unless confirmed by deans and chapters; and such leases as are good by that statute, must be of lands or hereditaments, not in the hands of any farmer, by way of old leases; unless such old leases were expired or surrendered in a year after the new lease made; and it is expressly thereby declared, that such statute shall not extend to leases of reversions, nor to any hereditaments, not most commonly letten to farm, or occupied by farmers for twenty years before

"for his successors, and to deprive the copyholders and ancient "leaseholders of the mines within their inclosed grounds, which

4 X

the making thereof, nor to any lease to be made, without impeachment of waste; nor to any leases made for above twenty-one years, or three lives from the making; and upon which there be reserved yearly to the lessors, their heirs and successors, according to their respective estates, so much yearly farm or rent, or more, as had been most accustomably yielded and paid, within twenty years before such leases made, and other restrictions contained in that act. See 32 Hen. VIII., c. 27.

The private statute 1 Eliz. or subsequent statutes in her reign, make no alteration in any of the restrictions which are in the statute of the 32 Hen. VIII. and it is conceived, those statutes only were made for preventing the making long leases with confirmations, as were then accustomed to be done, to the great damage and injury of the successors, but no way to alter or take away the right which deans and chapters had to confirm leases, made by archbishops and bishops, of mines, or any other of the inheritances of the church, not comprised in those statutes; for the farther illustration of which undoubted right of deans and chapters, see bishop Gibson's *Codex Juris*, p. 781, wherein are the following words:

"Confirmation is only necessary to the leases of sole corporations, as bishops, &c. with parsons and vicars; so it was, and so it still remains at common law; by which, corporations aggregate of many, might of themselves make any grant of, or out of the possessions which they held in common; but the law did not think fit to trust a single person, or sole corporation, with the disposition of estates held in right of the church; and therefore, by way of restraint, appointed the assent and confirmation of some others, without which their grants should not be valid against the successor; accordingly, all leases of archbishops and bishops, to bind their successors, were to be confirmed by the dean and chapter; and all leases of archdeacons, prebendaries, and the like, by bishop, dean, and chapter, with some exceptions in case of patronage, which are not now material; and all leases of parsons and vicars, by patron and ordinary.

But all these except parsons and vicars, were enabled by 32 Hen. VIII. to let leases for one and twenty years, or three lives without confirmation, provided, that in such leases, the conditions and limitations of the said act, as to the expiration of the old lease, the commencement of the new, the reservation of the rent, &c. were punctually observed; but if not, confirmation remained necessary as before, in order to bind the successor; and with confirmation, long leases of sole corporations continued to be good against the successor, as they had been at common law.

From all which, as well as from the bill itself now before the House, it is plain, that the leases which are thereby intended to be made of mines, are not, nor can be included in the enabling act of 32 Hen. VIII. or of the subsequent statutes of the 1, 13, and 18 of queen Elizabeth; because mines yet to be discovered, cannot be hereditaments most commonly letten, or occupied by farmers for twenty years; nor can leases be made of mines without impeachment of waste, because defacing and destroying the surface, and scooping out and carrying away the bowels of the inheritance, must occasion the committing waste; nor can it be supposed that a rent can be reserved as accountably paid for twenty years, of a mine which has never yet been letten; and if so, deans and chapters must have the same right now as they had at the common law before the statutes above-mentioned were made, which, it must be admitted, have not as yet destroyed, or taken away their right of confirmations of leases of mines, which they had, and now have by common law.

Leases made by parsons and vicars are excepted out of the statute of 32 Hen. VIII. and are not good unless confirmed by the patron and ordinary; and the present bill takes the same care of patron and ordinary, as that statute did; and it is hoped this honourable House will take the same care to preserve the undoubted rights of deans and chapters, there being no good reason to be assigned, why the rights of those ex-

" the bishops of Durham have of late claimed: The copyholds " are descendable estates of inheritance to the heirs of the roll " tenants.

cepted out of the enabling statute of the 23 Hen. VIII. should be saved; and yet at the same time, by the same bill, the rights of the persons not comprised therein stand (in point of justice) at least on the same foot as to the rights and properties.

It must be admitted, that the bill gives the same power to deans and chapters, as to mines in their own proper estates, which it doth to archbishops and bishops; and if deans and chapters had no right but as lessors, such right ought to excepted, as it is by the saving clause; but since they have another plain right by the common law and immemorial usage, namely to confirm the leases of mines let by archbishops and bishops, no just reason can be assigned to take away and destroy such their right by a new law, which the petitioners, the dean and chapter of Durham, do neither request nor want, nor conceive to be of any benefit or advantage to them.

For which and other reasons, they humbly hope the bill shall be rejected, or so amended, as effectually to save their rights, as well with respect to confirmations, as all other their own just rights; and likewise to preserve the inheritance of the church for the benefit of the successors of the present archbishops and bishops, who, as the petitioners conceive, were to be assisted by the deans and chapters, to consent to every grant, &c. to be made by such archbishops and bishops; by which restraint all such inconveniences as might arise by reposing as great a trust in a single person, or by giving him power to prejudice his succession, might be, and would, as it hitherto hath been, effectually prevented.

The case of the copyhold and leasehold tenants of the bishopric of Durham, for enabling bishops and others to grant leases of mines not accustomably letten by them.

The bishops of Durham being seised of divers manors within that bishopric, wherein are many copyhold lands, which have for many hundreds of years, and time immemorial, been held in fee, upon payment of fines certain, and of certain small rents, the said estates have been so freely enjoyed by the tenants thereof, that the same have, been, in many respects, esteemed as valuable, as most freehold estates within the said bishopric.

These copyhold estates are transferred by surrender, and upon such surrender, or upon death of the copyholder dying seised, admittances have been granted to the next heir, or to the party to whose use the surrender was made; and according to the tenor or import of such admittances, the said copyholders have claimed their estate and interest in the said lands.

It has been apprehended, that the said copyhold tenants having, by such admittances, been admitted tenants to the said lands, or to the *terra firma* or soil of the same, and without any exception of the mines or quarries therein; that the copyholders in such case, are intitled to the said mines and quarries within their own grounds, as parcel of the soil granted to them, save only in such particular cases where such mines or quarries have, within any particular lands, been accustomably granted, or held in lease, from the bishops of the said See.

But though the absolute right of the said copyhold tenants to the said mines and quarries, within their own grounds, hath been questioned by some persons; yet it hath never been denied, but that the copyholders of the said bishopric, as well as other copyhold tenants, have a special right to the produce or profits of the soil of their said lands, and that they may, for many purposes, dig and work the soil thereof, and not only use the lime-stone, and other quarries within the said grounds, but work the other mines also, where there is any custom or usage to warrant their so doing.

And whatever right or interest the bishop of Durham may be supposed, or presumed, to have in the mines within these copyhold lands; yet it must be allowed, that he cannot by law justify the breaking up or sinking in the copyholders said grounds, or destroying the profits of the said soil, in order to search for or open any mines in the same; and that he cannot justify the laying of any waggon ways, or the making of

" By this bold step, one family would have engrossed, as much " as in them lay, mines of immense value to themselves, without

other ways, through the said grounds, nor can fell such wood as may be necessary for working the said mines, because such liberties may very much tend to the absolute destruction of the said copyholders estates.

The said copyhold tenants having such rights in their said estates, it is plain that the bishop cannot at present, without their consents and special agreement, open any mines within their said grounds, nor can fell the wood growing, nor grant any power, or proper liberties, for working the said mines; so that in this case, the only way at present to make profit or advantage of any such mines, is either for the bishop to obtain the leave and consent of the copyholders therein, and upon such terms and agreements as the copyholders shall think fit, or that the copyholders should work them, upon making some reasonable acknowledgment to the bishop, upon obtaining his licence to work the same.

Thus it is apprehended the case stands at present with respect to the copyhold tenants: And as to the leaseholders, their lands and estates having been accustomably granted, time beyond memory, without either exception of mines, or of way-leaves, or other exception that can give the bishop any manner of right to open or work mines within their inclosures, or to cut down their woods, or to do other acts that may tend to destroy the profit of their farms; it is conceived, that as well the said leaseholders as copyhold tenants, may maintain actions at law for any wrong or injury that may be done in prejudice to their several and respective rights.

Now it is humbly apprehended that this bill, which is depending for enabling bishops to grant leases of mines, without any special savings or proper provisions for the benefit of the said copyhold and leasehold tenants, may (as the same is contrived) very much tend to the ruin and destruction of their said estates; that it will give a liberty to the working of those mines without their consents, to the laying of waggon-ways through their grounds, to the cutting down the wood for the use of the said mines, and the doing all manner of damage both in their corn-fields, meadows, and pastures, without providing the least satisfaction or recompence for the same.

It may perhaps be alledged in defence of this bill, that the general saving in it will be sufficient to secure the several particular and special interests both of the leaseholders, copyholders, and other persons.

In answer to which, it may be observed, that the general saving is no more than what's inserted of course in most bills, but is found in many cases to be so deficient, that it's frequently supplied by special savings and other provisions.

That the most that can be said to be saved in this case, is a right to bring actions for the recovery of damages that shall be sustained by the working the said mines. But it is conceived, that where a power is once granted to lease out the mines, an action for damages is little more than an after-game; and the most that can be got by such general saving, may be a multitude of suits, wherein the leasehold and copyhold tenants may from time to time be involved with the bishop and his lessees.

Besides, it may be questioned how far the said general saving may extend to any persons that shall become lessees after the time of passing the said act.

But be that as it will, the giving such a power to lease these mines, may give a handle to some bishops to extend the power that's granted by the act, by inserting exceptions of mines and way-leaves, and other new liberties, in all leases that shall be renewed. And there is the greater reason to apprehend such proceeding, in regard that the same has been in some places already begun, which may tend further to defeat the rights of the said several leasehold tenants.

It may be further observed, that there are several things very speciously suggested in this bill; as, that the opening of these mines will be of advantage to the public; as also, that such leases are to be granted and renewed without the taking of any fines.

As to the benefit which may accrue to the public by the discovery and working of more mines; it is conceived that the advantage to the public will be the same, in case

"any regard either to the bishop's successors, or to the tenants "and their posterity: The bill appeared to be of very ill conse- "quence, since the bishop of Durham, who is mostly concerned "in coal-mines, had the less reason to attempt the mines within "the inclosed copyholds of his tenants and ancient leaseholds; "for that he hath advantage enough by mines within many of "the wastes of his several manors in the bishopric of Durham, "which are very large, and where the bishop and his lessees "may work mines for ages to come; he cannot therefore have "any reason to injure the copyhold and ancient leasehold "tenants, by endeavouring to destroy their inclosed grounds," except the object of enriching his family by such leases.

Sir John Eden being then one of the representatives for the county of Durham, strenuously opposed this bill in the commons; though it must not be forgot, that his fellow member, Mr Hedworth, refused to give the tenants any assistance, or to join in the petition against it; however, the oppositions against it were held so reasonable, that the bill underwent great amendments, which occasioned those who had the conduct of it before parliament to drop it, and it did not pass. But many of the old prebendaries of Durham soon after dying, the bishop had the opportunity of preferring many of his friends in their places; and thereby had a majority in the chapter to confirm such leases as he thought fit to grant.

Sir John Eden was greatly applauded by all the county of Durham for his conduct, and at his return from parliament was met by 1500 persons, to congratulate his arrival. This occasioned the bishop to call on his dependents and friends to meet him on his coming into the bishopric, and a cavalcade was formed by many gentlemen, clergymen, and others, on the 23d of January 1723, who attended him into Durham, with about thirty coaches in the train.

the said leaseholders and copyholders have the working of those mines which shall be discovered in their own grounds, upon their paying a reasonable duty or acknowledgment to the bishop. And the giving a power by this act to let leases thereof to any stranger, may be attended with many inconveniences.

As to what is proposed with respect to the granting and renewal of leases without fines, it cannot be at all objected against, provided care be taken that this seeming benefit is not defeated by the other dark clause in the same act, whereby such mines are excepted as have been accustomably letten within the greatest part of twenty years past; the designs of which clause ought, it's conceived, to be better explained on many accounts.

And it's hoped that care will be taken not only for inserting proper provisions in this bill with respect to the said leasehold and copyhold tenants, but that all leases to be granted by virtue of this act, shall be for the usual terms of twenty-one years, or three lives; and that such leases as shall be granted by any of the bishops, be confirmed by the dean and chapter; so as care may be taken, that such reasonable rents or duties may be reserved upon every such lease, as may be of some benefit to the successors, for whom very little provision is made by this bill.

The other matter which hurt the bishop's popularity was, his insinuating to the dean and chapter the room there was for advancing the fines on their leases; and setting the pernicious example in his own.

In 1725, the bishop visited the dean and chapter and exhibited articles. He continued in this See till his death, which happened at his house in Hanover-square, London, on the 10th of October 1730, and was buried privately in St James's church, Westminister. He was of a magnificent taste and temper, which often run him into difficulties, his great revenue not being answerable to his expences, and his son was often obliged to extricate him from his embarrassments. After the decease of his first wife, who died without issue, he entered into a second marriage with Catharine, daughter of alderman King, of London, by whom he had eight sons and several daughters.* His eldest son Charles,

* 2d, Edward, who was born in the city of Worcester, and bred at Oriel college in Oxford, where, after taking his first degree of arts, he was chosen fellow 30th Oct. 1712. He proceeded M. A. 14th Oct. 1714; and resigned his fellowship 10th Oct. 1715, apparently on account of his marriage with Mary, daughter of the Rev. Mr Martin. He died in 1720, archdeacon of Berkshire, having issue an only daughter, Catharine.

3d, Sherington, who, being bred to the army, became captain of an independent company of foot, afterwards lieutenant-colonel, and thence colonel of a regiment of foot 17th Feb. 1747. He married a daughter of —— Midget, who died the 6th of Sept. 1749; and had issue two sons, William and Charles.

4th, Henry, a commissioner of the salt duty; who married, first, a daughter of —— Lloyd, by whom he had issue a daughter, Elizabeth; and marrying, secondly, Catharine, daughter of Sir Hugh Clopton, of Stratford upon Avon, in Warwickshire, had by her, who died 17th May, 1754, no issue.

The bishop's daughters were, Henrietta Maria, married to Dr Charles Trimnel, lord bishop of Winchester; and Catharine, married to Exton Sayer, LL. D. who, being bred to the civil law at Trinity Hall in Cambridge, became a fellow of that college, and an advocate in Doctors' Commons; and after his marriage was made spiritual chancellor of Durham, and surveyor of his majesty's land revenues, &c. and died member of Parliament for Totness in 1731.

Twelve of the bishop's sermons were published in 1731, in one vol. 8vo. in some of which he asserts the notion of Dr. Samuel Clarke upon the Trinity. He was strongly attached to that divine, and has been heard to lament greatly, that he could not give the doctor the best preferment he had in his disposal, by reason of his refusing to subscribe the articles.——Biog. Brit.—Wood's Ath. ox. vol. ii.

William Talbot, S. T. P. bishop of Sarum. Leave of election 30th Sept. 1721.
Translated 12th Oct.
Enthroned 14th Dec.
Temporalities restored
Ob. 10th Oct. 1730.

Officers of the See during the time of bishop Talbot.

High-sheriffs,—Hen. Liddell, bart. ap. 1721; eldest son of Sir Tho. Liddell, bart. by Anne, daughter of Sir Hen. Vane the elder; ob. at Kensington 2d Sept. 1723.
Wm. Williamson, bart. ap. 7th Sept. 1723.
Geo. Dixon, subvic. to both. When Sir Hen. Liddell ap. Dixon under-sheriff, J. Shafto brought an action against Dixon for profits of the place, but

in November 1733, was made lord high chancellor of Great Britain, and, on the 5th of December following, created baron of Hensol in the county of Glamorgan.*

It is remarkable of this prelate, that in nine years time he disposed of all the best livings in his patronage, both his archdeaconries, and half the stalls in his cathedral. It has been hinted, that he did not come to this opulent See without submitting to a douceur of six or seven thousand pounds.†

Leave of election was granted on the 26th of October, to supply the See, and on the 5th of November, 1730,

EDWARD CHANDLER, S. T. P.

bishop of Litchfield, was translated to Durham, and enthroned by proxy on the 9th of December; soon after which he received restitution of the temporalities.

Bishop Chandler was a native of Ireland, and chaplain to Lloyd bishop of Winchester: He was rector of St Nicholas' in Worcester, and vicar of Prees in the county of Salop. On the 30th of April, 1696, he was nominated to a prebend in Litchfield, void by the death of the reverend Samuel Dugard. On the 21st. of October, 1706, then having the degrees of doctor in divinity, he was made a prebendary of Worcester; was also a prebendary of Sarum, and rector of Wem in Shropshire; and, on the 17th of November 1717, was consecrated bishop of Litchfield, from whence he was translated to Durham at the time before specified.

He was a very learned and ingenious divine. Among other works of his, the "Defence of Christianity, from the Prophecies "of the Old Testament," which he wrote against Collins, is particularly mentioned. During the time he was engaged in this work, he held a constant correspondence with the learned Mr William Lowth, with whom he was particularly intimate.

Bishop Chandler married Barbara, the eldest daughter of Sir Humphrey Briggs.‡ One of his daughters was married to R.

did not proceed, being advised the patent was not good.——When the land-tax is 4s. in the pound, the high-sheriff pays 1l. 15s. the under-sheriff 4l. 18s.

Temporal chancellor,—Dormer Parkhurst, esq. In 1726 he married the only daughter of Cha. Hickman, bishop of Londonderry, with a great fortune.—— Monthly Mercury.

Constable of the castle,—James Montague, esq.

Senescal,—David Hilton, gent.

Registraries,—Wm Pye, deputy register, oc. 1728.

Attorney general,—Nich. Fazakerley, esq; member for Preston in Lancashire.

Solicitor general,—John Rudd, esq; during pleasure 6th Jan. 1721.—— Randal's MSS.

* Vide his Life, Biog. Brit. p. 3905. † Gray's MSS.

‡ Baronetage, vol. iii. p. 252.

Cavendish, esq; another to Wadham Wyndam, esq; and another to the reverend Mr Brotherton. He died at his house in Grosvenor square on the 20th of July, 1750, of the stone, (several large ones being found in his body when opened) and was buried at Farnham-Royal in the county of Bucks. Whilst he was bishop of Durham, he gave 50l. towards augmenting Monkwearmouth living, also 200l. to purchase a house for the minister of Stockton, and 2000l. to be laid out in a purchase for the benefit of clergymen's widows in the diocese of Durham.*

* It may be remembered to the honour of bishop Chandler, that he never sold any of his patent offices, though he was offered several hundred pounds by Mr R. R. an attorney at D——, for the clerkship of the halmot court, vacant on the death of Mr John Mowbray, in 1735, which he nobly refused, and gave to his secretary Mr Whitaker, who was succeeded by Mr Wyndham. The office of spiritual chancellor he gave to his son Wadham, and that of prothonotary to his other son Richard; the constableship of the castle and clerk of the peace were conferred on his son-in-law, Wadham Wyndam, esq; the keeper or rangership of Bedburn Park he granted to R. Stonehewer, for three lives, and which is now held by his grandson. On Mr Ralph Trotter's surrender of the two patents as keeper of Birtley-Wood and housekeeper of the old palace at Darlington, he granted the former to Mr Christopher Johnson, his receiver, for three lives, and the latter for life, and also appointed him county clerk; which two last offices he still holds; but in bishop Trevor's time he was prevailed upon to give up the lease of Birtley-Wood, the bishop's counsel alledging, that as the wood was grubbed up, and the park disparked, there was *no need* of a keeper. This pretence was certainly ill-grounded,† for it was an ancient office before the restraining clause in the statute 1 Eliz. c. 19. Mr Johnson, in consideration of his having made several improvements in the estate, was permitted to hold the possession until he was reimbursed the expence, and to avoid litigation, in 1754, surrendered his patent *(sed minus juste)* and from that time bishop Trevor received the rents and profits for his own use, and made no disposition thereof either by lease, patent, or otherwise. Daniel Dew, esq; held it by patent for life from bishop Egerton.

EDW. CHANDLER, S. T. P. bishop of Litchfield.
Leave of election 26th Oct. 1730.
Elected 5th Nov. 1730.
Enthroned Dec. 9.
Ob. at London 20th July, 1750, æt. 82.

Officers of the See during the time of bishop Chandler.

High-sheriffs,—Sir W. Williamson, bart. ap. 17th Dec. 1730; ob. 1st Apr. 1747; bur. at Monkwearmouth.
Hedworth Williamson, bart. second son of Sir William, by Elizabeth, his first wife, daughter of John Hedworth, esq; of Harraton.
Wm Winfield, sub-vic.
Temporal chancellor,—Dormer Parkhurst, esq; of Hanch-Hall, Staffordshire, mar. Mary Smith, daughter of —— Smith, bart. 15th Mar. 1742.
Constables of the castle,—James Montague, esq; ob. 8th Nov. 1741.
Wadham Wyndham, esq; ap. for life 1748; also ap. clerk of the peace for life. He was factor to the S. S. company at La Vera Cruz; mar. Nov. 1732, to the bishop's daughter, with a portion of 8000l.

† And so it was determined by the court of K. B. Hilary 1757, in the case of Sir John Trelawney against the bishop of Winchester, and reported in 1 Burrow, p. 219. See also Hargrave's Coke Littleton, note, p. 44, where several cases are cited respecting ancient offices before the statute 1 Eliz.

The See continued vacant near two months, the king being then in Germany. On the 7th of September,

JOSEPH BUTLER,

then bishop of Bristol, was translated to this See, and enthroned by proxy on the 9th of November. He was a prelate of the most distinguished character and abilities, was born at Wantage in Berkshire, in the year 1692. His father, Mr Thomas Butler, who was a substantial and reputable shopkeeper in that town, observing in his son Joseph (who was the youngest of eight children) an excellent genius and inclination for learning, determined to educate him for the ministry, among the protestant dissenters of the presbyterian denomination. For this purpose, after he had gone through a proper course of grammatical literature, at the ree grammar school of his native place, under the care of the rev. Mr Philip Barton, a clergyman of the church of England, he was sent to a dissenting academy, then kept at Gloucester, but afterwards removed to Tewkesbury, where Mr Butler made an extraordinary progress in the study of divinity; of which he gave a remarkable proof, in the letters addressed by him to Dr Samuel Clarke, laying before him the doubts that had arisen in his mind, concerning the conclusiveness of some arguments in the doctor's "Demonstration of the being and attributes of God." The first of these letters was dated November 4th, 1713; and the sagacity and depth of thought displayed in it, immediately excited Dr Clarke's particular notice. This condescension encouraged Mr Butler to address the doctor again upon the same subject; which, likewise, was answered by him; and the correspondence being carried on in three other letters, the whole was annexed to the celebrated treatise before mentioned, and the collection has been retained in all the subsequent editions of that work. The management of this correspondence was entrusted by Mr Butler to his friend and fellow pupil Mr Secker, who, in order to conceal the affair, undertook to convey the letters to the post office at Gloucester, and to bring back Dr Clarke's answers. When Mr Butler's name was discovered to the doctor, the candour, modesty, and good sense with which he had written, immediately procured him the friendship of that eminent and excellent man. Our young student was not, however during his

Senescal,—David Hilton, esq.
Registrary,—Ralph Trotter, surviving registrary.
Attorney-general,—Sir Tho. Boothe, knt. ap. 3d Feb. 1733.
Solicitor-general,—John Rudd, esq; ob. 14th Jan. 1732.
Tho. Gyll, esq; 1733; which he held till his death, 12th March, 1780.

continuance at Tewkesbury, solely employed in metaphysical speculations and enquiries. Another subject of his serious consideration was the propriety of his becoming a dissenting minister. Accordingly, he entered into an examination of the principles of non-conformity; the result of which was, such a dissatisfaction with them, as determined him to conform to the established church. This intention was at first very disagreeable to his father, who endeavoured to divert him from his purpose; and, with that view, called in the assistance of some eminent presbyterian divines; but finding his son's resolution to be fixed, he at length suffered him to be removed to Oxford, where he was admitted a commoner of Oriel college on the 17th of March, 1714. At what time he took orders doth not appear, nor who the bishop was by whom he was ordained; but it is certain, that he entered into the church soon after his admission at Oxford, if it be true, as is asserted, that he sometimes assisted Mr Edward Talbot in the divine service, at his living of Hendred, near Wantage. With this gentlemen, who was the second son of Dr William Talbot, successively bishop of Oxford, Salisbury, and Durham, Mr Butler formed an intimate friendship at Oriel college; which friendship laid the foundation of all his subsequent preferments, and procured for him a very honourable situation, when he was only 26 years of age. For it was in 1718, that, at the recommendation of Mr Talbot, in conjunction with that of Dr Clarke, he was appointed by Sir Joseph Jekyll to be preacher at at the Rolls. This was three years before he had taken any degree at the university, where he did not go out bachelor of law till the 10th of June, 1721, which, however, was as soon as that degree could statutably be conferred upon him. Mr Butler continued at the Rolls till 1726, in the beginning of which year he published, in one volume 8vo. fifteen sermons, preached at that chapel. In the meanwhile, by the patronage of Dr. Talbot bishop of Durham, to whose notice he had been recommended, (together with Mr Benson and Mr Secker) by Mr Edward Talbot, on his death-bed, our author had been presented first to the rectory of Haughton, near Darlington, and afterwards to that of Stanhope, in the same diocese. The benefice of Haughton was given to him in 1722, and that of Stanhope in 1725. At Haughton, there was a necessity for *rebuilding a great part of the

* He received from the executors of his predecessor Richard Bellassyse, for delapidations, 60l. as appears by the following original receipt, now in Mr Allan's possession:—"August 25, 1722. I Joseph Butler, rector of Haughton, do promise "Mr Thomas Bellassyse a full discharge of all delapidations belonging to the rectory

parsonage-house, and Mr Butler had neither money nor talents for that work. Mr Secker, therefore, who had always the interest of his friends at heart, and had acquired a very considerable influence with bishop Talbot, persuaded that prelate to give Mr Butler, in exchange for Haughton, the rectory of Stanhope; which was not only free from any such incumbrance, but was likewise of much superior value, being indeed, at that time, one of the richest parsonages in England. Whilst our author continued preacher at the Rolls chapel, he divided his time between his duty in town and country; but when he quitted the Rolls, he resided, during seven years, wholly at Stanhope, in the conscientious discharge of every obligation appertaining to a good parish priest. This retirement, however, was too solitary for his disposition, which had in it a natural cast of gloominess; and though his recluse hours were by no means lost either to private improvements or public utility, yet he felt at times, very painfully, the want of that select society of friends, to which he had been accustomed, and which could inspire him with the greatest cheerfulness. Mr Secker, therefore, who knew this, was extremely anxious to draw him out into a more active and conspicuous scene, and omitted no opportunity of expressing this desire to such as he thought capable of promoting it. Having himself been appointed king's chaplain in 1732, he took occasion, in a conversation, which he had the honour of holding with queen Caroline, to mention to her his friend Mr Butler. The queen said, she thought he had been dead: Mr Secker assured her he was not. Yet her majesty afterwards asked archbishop Blackburne, if he was not dead? his answer was "no, madam, but he is buried." Mr Secker continuing his purpose of endeavouring to bring his friend out of his retirement, found means, upon Mr Charles Talbot's being made lord chancellor, to have Mr Butler recommended to him for his chaplain. His lordship accepted, and sent for him; and this promotion calling him to town, he took Oxford in his way, and was admitted there to the degree of doctor of law, on the 8th of December 1733. The lord chancellor, who gave him also a prebend in the church of Rochester, had consented that he should reside at his parish of Stanhope one half of the year.

Dr Butler being thus brought back into the world, his merit and talents soon introduced him to particular notice, and paved the way for his rising to those high dignities which he afterwards

"of Haughton, upon his payment of the sum of sixty pounds. *Jos. Butler*" Test. M. Nelson. This sum he expended, together with a further sum in providing materials for rebuilding the said parsonage-house. These, on his removal to Stanhope, were taken by his successor Mr Thorpe, wherewith he in part repaired the present parsonage.

enjoyed. In 1736, he was appointed clerk of the closet to queen Caroline; and in the same year, he presented to her majesty a copy of his excellent treatise, entitled, "The analogy of religion, natural and revealed, to the constitution and course of nature." His attendance upon his royal mistress, by her especial command, was from seven to nine in the evening every day; and though this particular relation to that excellent and learned queen was soon determined by her death in 1737, yet he had been so effectually recommended by her, as well as by the late lord chancellor Talbot, to his majesty's favour, that, in the next year, he was raised to the highest order of the church, by a nomination to the bishopric of Bristol; to which See he was consecrated on the 3d of December 1738. King George II. not being satisfied with this proof of his regard to Dr Butler, promoted him, in 1740, to the deanry of St Paul's, London; into which he was installed on the 24th of May in that year. Finding the demands of this dignity to be incompatible with his parish duty at Stanhope, he immediately resigned that benefice. Besides our prelate's unremitted attention to his peculiar obligations, he was called upon to preach several discourses on public occasions, which were afterwards printed, and have since been annexed to the latter editions of the sermons at the Rolls chapel. In 1746, upon the death of Dr Egerton bishop of Hereford, Dr Butler was made clerk of the closet to the king; and he in 1750, received another distinguished mark of his majesty's favour, by being translated to the See of Durham. This was on the 16th of October in that year, upon the decease of Dr Edward Chandler. Our prelate, being thus appointed to preside over a diocese with which he had long been connected, delivered his first, and, indeed, his last charge to his clergy, at his primary visitation in 1751. The principle subject of it was, "Eternal religion."

By his promotion to the See of Durham, our worthy bishop was furnished with ample means of exerting the virtue of charity; a virtue which eminently abounded in him, and the exercise of which was his highest delight. But this gratification he did not long enjoy: He had been but a short time seated in his new bishopric, when his health began visibly to decline; and having been complimented, during his indisposition, upon account of his great resignation to the divine will, he is said to have expressed some regret that he should be taken from the present world so soon after he had been rendered capable of becoming much more useful in it. In his last illness, he was carried to Bristol, to try the waters of that place; but these proving ineffectual, he removed

to Bath, where, being past recovery, he died on the 16th of June 1752. His corpse was conveyed to Bristol, and interred in the cathedral there, where a monument is erected to his memory.

On the greatness of bishop Butler's intellectual character we need not enlarge: for his profound knowledge, and the prodigious strength of his mind, are amply displayed in his incomparable writings. He was of a most reverend aspect: His face thin and pale; but there was a divine placedness in his countenance, which inspired veneration, and expressed the most benevolent mind: His white hair hung gracefully on his shoulders, and his whole figure was patriarchal. Officiating in the episcopal duties of the church whilst bishop of Durham, he gave a striking example of piety and holy solemnity, which was of the most serious and fervent, and perhaps somewhat of the ascetic kind. His benevolence was warm, generous, and diffusive. Whilst he was bishop of Bristol, he expended, in repairing and improving the episcopal palace, 4000l. which is said to have been more than the whole revenues of the bishoprick amounted to during his continuance in that See. In the year 1752, he began to make great alterations in and about the castle at Durham, by pulling down the old tapestry hangings in the dining-room, and stuccoing the wall with ornaments below the cornice, adding some foliages on the joining of the compartments of the roof. He enlarged and put in new Gothic windows to the north. He also took down and rebuilt a considerable part of the outside wall of the castle at the north door (where his arms are placed) and which overhung the perpendicular line several inches; new floored the great west dining-room above stairs, and new-stuccoed and floored the judges apartments, and put new fire-places therein. He also pulled down and rebuilt the eastern wall of the bowling-green at Auckland, and made great improvements in the park there, by levelling, planting, and destroying all the rabbits in it: and designed to add about 130 acres thereto, having actually begun to pale part of such new inclosure. Besides his private benefactions, he contributed 500l. to the Infirmary at Bristol, and was a subscriber to three of the hospitals at London. He was likewise a principal promoter, though not the first founder, of the Infirmary at Newcastle, to which he gave 500l. In supporting the hospitality and dignity of the rich and powerful diocese of Durham, he was desirous of imitating the spirit of his patron bishop Talbot. In this spirit, he set apart three days every week for the reception and entertainment of the principal gentry of the country. Nor were even the clergy who had the poorest benefices neglected by him. He not only occasionally invited them to dine with him, but condescended to visit them at

their respective parishes. By his will, he left 500l. to the society for propagating the gospel in foreign parts, and some legacies to his friends and domestics. His chaplain, the rev. Dr Nathaniel Forster, was his executor, a divine of distinguished literature. Bishop Butler was never married. Soon after his decease, the following lines, by way of epitaph, were written concerning him; and were printed first, if we recollect right, in the London Magazine.

Beneath this marble BUTLER lies entomb'd,
Who with a soul enflam'd by love divine,
His life, in presence of his God, consum'd,
Like the bright lamps before the holy shrine.
His eloquence was like a chain of gold.
That the wild passions of mankind controll'd;
Merit, wherever to be found, he sought;
Desire of transient riches he had none;
These he with bounteous hand did well dispense,
Bent so fulfil the ends of providence;
His heart still fixed on an immortal crown,
His heart a mirror was, of purest kind,
Where the bright image of his Maker shin'd
Reflecting faithful to the throne above,
Th' irradient glories of the mystic Dove.*

* See Webb's Collection of Epitaphs, vol. i. p. 97, 98.——In the 50th volume of the Gent. Mag. 1780, p. 173. 280, and 324, are inserted three letters, written by our prelate; the two first are in answer to complimentary ones, which had been sent to him on account of his translation to Durham. As they shew how solicitous he was to employ, to wise and worthy purposes, the wealth and power of his new station, they are well worth recording, and are as follow:

"Good Sir,

"When or where this will find you, I know not; but I would not defer thanking you for the obliging satisfaction you express in my translation to the See of Durham. I wish my behaviour in it may be such as to justify his majesty's choice, and the approbation of it, which you (much too kindly I suppose) think to be general. If one is enabled to do a little good, and to prefer worthy men, this indeed is a valuable of life, and will afford satisfaction in the close of it; but the change of station, in itself, will in no wise answer the trouble of it, and of getting into new forms of living: I mean, with respect to the peace and happiness of one's own mind; for in fortune, to be sure, it will. I am, &c. "JOSEPH DURHAM.

"Bristol, Aug. 13, 1750."

"My good friend,

"I thank you for your kind congratulations, tho' I am not without my doubts and fears, how far the occasion of them is a real subject of congratulation to me. Increase of fortune is insignificant to one who thought he had enough before, and I foresee many difficulties in the station I am coming into, and no advantage worth thinking of, except some greater power of being serviceable to others; and whether this be advantage, entirely depends on the use one shall make of it: I pray God it may be a good one. It would be a melancholy thing in the close of life, to have no reflections

The See continued vacant till the 9th of November next succeeding bishop Butler's death, when

RICHARD TREVOR, S. T. P.

bishop of St David's, was translated to Durham: He did homage for the temporalities on the 21st of December 1752, and was enthroned on the 29th of the same month.

The following account of this prelate is copied from a work issued by Mr Allan from his private press in the year 1776, under the title of "A Sketch of the Life and Character of the "Right Honourable and Reverend Richard Trevor, Lord Bishop "of Durham"*

Richard Trevor, lord bishop of Durham, was descended from an ancient and principal family in Wales, fourth son of Thomas Trevor, (created, by queen Anne, baron Trevor of Bromham in the county of Bedford) by his second wife Anne, daughter of colonel Robert Welding, and widow of Sir Robert Barnard,

to entertain one's self with, but that one had spent the revenues of the bishopric of Durham in a sumptuous course of living, and enriched one's friends with the promotions of it, instead of having really set one's self to do good, and promote worthy men: Yet this right use of fortune and power is more difficult than the generality of even good people think, and requires both a guard upon one's self, and a strength of mind to withstand solicitations, greater, (I wish I may not find it) than I am master of. I pray God preserve your health; and am always, dear Sir, your affectionate brother and servant, "JOSEPH DURHAM."

The third is on the subject of tithes, and displays great good sense and liberality of sentiment. The bishop sees no sort of proof that tithes, under the Gospel, are of Divine right.——At his decease, he ordered his manuscripts to be burnt, without so much as unfolding the covers of any of them. These were in a box; and which injunction was religiously observed by the executors—an irreparable loss to the public!

During the vacancy of the See, Sir Hed. Williamson, bart. was appointed high-sheriff by the lords of the regency, (the king being then in Germany) viz. 31st August, 1750.

JOSEPH BUTLER, bishop of Bristol,—Elected 7th Sept. 1750.
Enthroned 9th November.
Died at Bath 16th June 1752, æt. 60.

Officers of the See during the time of bishop Butler.

High-sheriff,—Sir Hed. Williamson, bart. ap. 1st Dec. 1750, by the bishop.
Temporal chancellor,—Dormer Parkhurst, esq;——Resigned in 1764.
Constable of the castle,—Wadham Wyndham, esq.
Senescal,—David Hilton, esq;——Ob. 1767.
Attorney-general,—Sir Tho. Bootle, knight.
Solicitor-general,—Tho. Gyll, esq.

* To transmit to posterity the characters of excellent men, is a tribute due to their memory, and a service to the public that needs no apology. In taking a view of this bishop, it is not intended to go through a minute detail of all the early and immaterial events of his history, but to take a short and general survey of him in the last scenes of life. To do justice to his memory, and recommend those amiable virtues that adorned his character to the practice of posterity, is the chief design of the following pages.

baronet. His lordship was born the 30th of September 1707; was first placed at Bishop-Stortford school in Hertfordshire, and, when of sufficient age, removed to Westminster, where he staid till ripe for the university; was entered a gentlemen commoner of Queen's college, Oxford, and had for his tutor Joseph Stedman, fellow of the same college; from hence elected fellow of All Souls in 1727, where he took his master of arts degree, 28th of January 1731; was presented, by Sir Robert Barnard to the valuable living of Houghton with Witton, in the county of Huntington, 1732; succeeded Dr Thomas Terry (who died at Bath in 1735) in his canonary of Christ-Church, Oxford, and on the 10th of June 1736, proceeded to the degree of doctor of the civil law, for which he went out (as the the term is) grand compounder. In January, 1744, he was appointed by his late majesty, bishop of St David's, on the promotion of Dr Edward Willes to the See of Bath and Wells; from thence he was translated to Durham, 9th of November 1752, and there enthroned by proxy on the 29th of December following.

In the year 1759, the chancellorship of the university of Oxford became vacant, on the death of Charles earl of Arran, for which honour the bishop stood competitor with the earls of Westmorland and Litchfield. To attain this honourable station, he was spurred on more by the advice and importunity of his friends, than by his own natural temper and inclination. He had the advantage of his oponents singly, but the earl of Litchfield giving his interest to lord Westmorland, the scales were turned, and, on the 4th of January 1759, the poll stood thus:

Earl of Westmorland	...	321
Bishop of Durham	...	200
Majority	——	121

There was a singular dignity in his lordship's person; he was tall, well proportioned, and of a carriage erect and stately. The episcopal robe was never worn more gracefully. His features were regular, manly, and expressive; his complexion florid, and over his countenance was diffused an air of benignity, though accompanied with that presence, which whilst it inspired esteem, commanded reverence and distant respect.

His lordship resided all the summer months either at Durham or Auckland, but chiefly at the latter, where he made great improvements in the castle and park; used much exercise in walking, and enjoyed a good state of health until the year 1771. *About the 10th day of March in that year, he began to be con-

* This account was found among the papers of Mr Robert Hutchinson, (brother to the author, and one of his lordship's domestics.)

fined; a gangrene sore having attacked the tendons of his left foot, and a mortification of the most fatal kind ensued; the toes sloughed off one after another, by a slow but irresitible progress; every aid of medicine, and all that human art could do, was most assiduously as well as judiciously administered by those two eminent surgeons, Drs Adington and Hawkins: nor could any thing tend more to assist the endeavours of those gentlemen, than the singularly prudent and composed behaviour of their patient, who, during his whole confinement, took every medicine, and suffered every pain, with that firm composure of mind, which, by a strong and happy influence, assists the operations of nature. The bark was taken as long and in as large quantities as ever known, and seemed to agree so well with his constitution, that, if the disease had been remediable, that alone would have effected a cure; but it was too malignant and inveterate, and had already taken a mortal hold on the whole habit. After having suffered, above two months, a copious discharge from the wound below, and, as one should think, in some measure corrected by so long an absorption of antispetic medicines, a new sore, tending to a carbuncle, appeared on his back: This gave a damp to all hopes, and nothing remained but the dread of a miserable existence being too far prolonged: Henceforward it might be said, *Quesitæque nocent artes, cessere magistri.* The poison now began gradually to creep up from the foot (already mortified) to the leg. As, on the one hand, life was incompatible with such a mass, so, on the other, amputation, in his then habit of body and great weakness, afforded no other possible prospect but to embitter the conflict and hasten the event.

In this helpless situation did the bishop lie above twelve weeks, the latter part of which he did not suffer much pain, except when his foot or back were drest. The uneasiness of his posture, which admitted of no variety, must have grown intolerable: I say must, because we are to judge of his feelings from our reason, not from his expression of them; for neither these nor his other sufferings (and others he had) ever drew from him a peevish word, melancholy ejaculation, or a desponding sigh. As long as his strength permitted, he sat up in his chair. Though he had no appetite, yet he continued to have a regular dinner, and two or three of his friends to dine with him. In short, he studied to conceal as much as possible the appearance of a sick man, and, till within two days of his death, ought rather to have been called a wounded man; for though in fact the poison was every minute gaining ground, yet, wonderful to relate! it neither caused fever, head-ach, or any painful sympton.

His throat, for the last ten days, became sore and ulcerated: Though the spirits which depend upon the strength diminished with his strength, yet the firmness and tranquility of his mind never suffered any change. He frequently took notice of that concern in the countenances of his friends and domestics, which they could not conceal, and he as often chid them for it. It was supposed he had but a bad opinion of his case from the first, having executed his will the 9th of April 1771, and it was evident he discovered the full extent of his calamity: But it was not the least of his philosophy to conceal these feelings, whilst he inwardly prepared himself for the awful scene he perceived was now approaching; how admirably he effected this, those that were spectators can bear testimony.

On Saturday morning the 8th of June, the bishop, from some inward feelings, became more sensible of his approaching dissolution; he no more suffered himself to be taken up; and desired Dr Yorke, then bishop of St David's and minister of his parish, might be sent for to administer the sacrament to him the following evening. The weakness of his situation, and fear of an approaching delirium, shewed the impropriety of postponing the ceremony so long. Lord Trevor told his brother, that the bishop of St David's was not in town; but that his chaplain Mr Desalis was then ready, and begged to have the satisfaction of communicating with him immediately. The bishop said, he believed things were not so pressing; but however, if he pleased, and Mr Desalis would be so good as to read the service, it should be so: He also desired that his nephew (Mr John Trevor, a young gentlemen of the most promising character, and who had attended him with the most singular affection and assiduity) together with the rest of the family, might communicate with him: The ceremony was accordingly performed; and the bishop was the only person who, during this awful solemnity, was moved by no other affections than those of pure devotion. When this was over, he continued to lie in perfect ease of body, and still more perfect composure of mind. He desired lord Trevor and his nephew would sit by him, said something about settling his affairs, and gave directions about his burial; expressed the happiness he had experienced in lord Trevor's long and cordial friendship, gave thanks to God for the resignation and fortitude with which he had been enabled to bear his afflictions, and thanked the world for the kind share of concern it had taken in his situation. He also talked sometime very seriously with Mr John Trevor; told him, *that he*

believed he was not immediately going, but that he had then put himself in the posture in which he should wish to be ready when it pleased Providence to strike. He then desired the family to go to dinner, bidding the servants take particular care of his friends, and leave him as usual to go to rest. All Saturday evening and night he continued to rest quietly, though slight and partial convulsions began to affect his arms and fingers. He now and then had his mouth moistened, but no more took any medicines or solid food; desired that he might be prayed for the next morning in his parish church of St George. On Sunday morning he appeared much the same; but after the last dressing of his wounds, which was made as easy and short as possible, he grew much weaker, but still continued easy and perfectly sensible except when convulsions came on, which now began to be more frequent and violent: He had four fits before evening; about six, being more quiet and perfectly sensible, he desired the prayers for the sick might be read to him, to which he repeated all the responses; but feeling another fit coming on, stopped the prayers; recovering therefrom he fell asleep, and tontinued so till shook by more convulsions, and had seven or eight after this, at intervals of about half an hour: still his senses were unaffected. He said to Mr John Trevor after one of the fits, *Jack, you see me clinging to life much more than it deserves.* About eleven at night, he asked the apothecary how he did: and these were the last words he uttered. While he continued to lie in an horizontal posture, he breathed with difficulty and uneasiness, and made a sign to be raised a little, which when done, he continued for about ten minutes to breathe away the last remains of life almost imperceptibly, without a struggle or a groan. At a quarter before twelve he expired (June 9, 1771) in the 64th year of his age, and of his translation the 19th.

Thus at length was this excellent man released from all his sufferings, leaving behind him an example of christian piety, fortitude, and resignation, which no human being ever exceeded, and few have equalled. On the 19th of June, he was buried privately, (according to his own directions) at Glynd in Sussex, which church he rebuilt, and gave thirteen acres of land to the vicar and his successors for ever.

To draw the character of this reverend prelate requires the ablest pen. His memory is fresh and flourishing in the breasts of most people now living, and posterity may be assured the following may be depended on for truth in every particular: the

integrity of the *composer being above dispute, and his intimacy with the bishop sufficiently known.

"Seldom have so many amiable and valuable qualities met together in one person; seldom have virtues and accomplishments been so happily united as in the late bishop of Durham. If we consider him in private life, we shall find none more worthy of our love; if in public, none that could more justly claim our veneration and esteem.

His personal accomplishments were such as could not fail to attract the notice, and win the regard of all with whom he conversed. His tenderness to those who had the happiness of being near him, was beyond example; which necessarily attached to him more by affection than by any other bond of authority, interest, or fear, every feeling heart, capable of gratitude, and alive to the impressions of goodness.

His attainments in literature far surpassed his own modest estimate of them. His acquaintance with the history both of ancient and modern times was accurate and extensive. He was master of the best and purest writers of antiquity, and his memory was stored with their finest passages, which he applied with propriety and taste; whilst he felt and communicated the sublimer beauties of the sacred books with such energy and warmth of expression, as shewed that their divine fires touched his heart.

His knowledge of the affairs of men, and discernment of characters, spoke one who had been accustomed to read mankind with penetration and candour.

From these accomplishments of the head and heart flowed a conversation pleasing and instructive, which had all the strength that just observation, sentiment, and deep reflection could give, accompanied by all the graces that it could derive from an open and engaging countenance, a winning address, harmonious elocution, a language copious, correct, and natural, and a mind elegantly turned.

In a word in private life we saw accomplishments supported by worth; polished manner and a pleasing form animated by intelligence and goodness of heart; outwardly, all that was graceful and becoming, whilst all was light and peace within.

His public character was such as did naturally result from so many private virtues and amiable endowments. The true intrin-

* See a sermon preached at Newcastle, 27th July 1771, before the governors of the Infirmary there, by John Rotheram, M. A. rector of Houghton-le-Spring in the county of Durham.

sic worth which he possessed, easily took an outward polish beyond what any art can give to baser materials.

He wore his temporal honors with dignity and ease. Never were the shining qualities of the Palatine more justly tempered by the milder graces of the Diocesan.

Liberality, munificence, and greatness of mind flowing from one source, where happily united with meekness, moderation and humility derived from the other.

Invested with high authority, his influence, which was become general and extensive, seemed not so much the effect of power, as the result of reason and superior ability exerted for the public good.

He was sincerely and firmly attached to every thing that is excellent in our happy constitution; wishing to see public authority and private liberty standing together on the basis of public law; and public peace established by their concord.

A friend from principle to the interests of the church of England, his zeal for its welfare was directed by knowledge, and tempered by sentiments of purest charity towards all our dissenting brethren; which he expressed not only in private conversation, but in his public discourses, particularly in his last affectionate address to the clergy of his diocese, delivered at his final visitation in July and August 1770.

Easy of access to all, he was ever open to his clergy, and ready to assist them by his council and advice, or, where the case required it, by liberal contributions. Their complaints and grievances were received by him as into the bosom of a friend, and for them he had no authority but that of a parent. Amongst them, he was much more studious to find our merit, and distinguish good behaviour, than ready to remark or remember errors and failings.

Under every change of times, and through all the affairs both of public and private life, he maintained a steady course, regular, uniform, and consistent. His measures were not taken from occasional situations, from wavering inclination, or considerations of present convenience. He acted on principles by their nature fixed and unchangeable. Religion had taken possession of his soul, and all his rules of conduct were transcribed into his heart from the royal law of christian charity: Therefore was his breast filled with candour, integrity, and truth: and therefore did he maintain a firmness and constancy, which they who proceed on principles of false honour or worldly policy, must admire but cannot equal.

His conceptions of the doctrines and design of christianity were noble and exalted: He felt their power, and wondered that it

was not universally felt. How hath my soul been enflamed when I have heard his sentiments on this subject warm from his benevolent heart! "We may boast ourselves," he would say, "in the advancement we have made in the theory of our religion; but how must our pride be humbled when we compare our practice with our theory! Surely principles so great and gloriously as those of the gospel, so full of the seeds of all blessings to human society, cannot always remain without their effect. No.—Revelation may be be slow in working the full purpose of Heaven, but it must be sure. Religion must one day be a very different thing from what we behold it at present: Christian charity cannot always be to the world a light without heat, a pale cold fire. Its warmth at length must be universally felt. The time must come when our zeal shall appear to be kindled by this heavenly fire, and not by human passion; when all our little earthly heats shall be extinguished, and that pure and divine flame alone shall burn. The time will come, when animosity and violence, and rage shall cease; and when union, love and harmony shall prevail. The time will come, when earth shall bear a near resemblance to heaven." May his spirit be prophetic! May those glorious effects of our blessed religion soon be accomplished; and may the happy period he wished for soon arrive!*

* Richard Trevor, S. T. P. bishop of St David's, elected 9th Nov. 1752.
Did homage and received the temporalities 21st Dec.
Enthroned 29th Dec.
Died 9th June, 1771, æt. 64; buried at Glynd, in Sussex.

Officers of the See in bishop Trevor's time.

High-sheriff,—Sir Hedworth Williamson, bart. appointed 20th June, 1753.
Bowes Grey, esq; under-sheriff.

Temporal chancellors,—Dormer Parkhurst, esq; resigned July, 1753; died in April, 1764.

Robert Ord, esq; appointed 22d Aug. 1753, by patent for life; resigned in 1764.—Whilst he sat temporal chancellor of this county palatine, there was much business transacted in that court: His patience, attention, and perspicuity, were remarkable in office; and his decrees were so consistent and adequate, within the principles of true equity, that they were received with great satisfaction; and his memory is revered by all the solicitors of the court.

Sir Joseph Yates, knt. one of the judges of the K. B. appointed Feb. 1765.—He was one of those who very early in life attached himself to the study of our laws, not as the generality of students do, either from the appointments of parents, or the mere motives of drawing pecuniary resources from the profession, but from the more liberal principle of informing himself in a science, which only appeared important to him from being capable of defending the lives and properties of individuals. With this open and enlarged turn of mind, he pursued his enquiries with a perseverance and precision almost peculiar to himself, till the profession repaid him by storing his mind with an universal knowledge of its laws, which very rarely falls to the lot of the greatest talents, or most deligent researches: His invincible modesty, however, repelled him the notice of the public for many years, till at last the repeated justness of his opinions and for-

Religion, thus understood, supported him to the end, and administered to his soul all its heavenly consolations under the last great trial to which humanity can be called; enabling him to give a proof worthy of a christian bishop, of the strength of his principles, and their ability to sustain the mind in that great and decisive hour, when all human help is withdrawn, and when every support fails and sinks under it.

Such was the late bishop of Durham, and such is the rude outline of a great and beloved character, attempted by an affectionate, though unequal hand: The finishing shall be by the hand of an Apostle; for St Paul, in describing what a christian bishop ought to be, hath, in all the principle lines, described what our late lamented diocesan was:——*He was blameless, vigilant, sober, of good behaviour, given to hospitality, apt to teach.*

cibility of his pleadings procured him a coif, from whence he was soon afterwards promoted to be one of the judges of the King's Bench. In this character he always conducted himself with a dignity and impartiality that reflected honour even on that respectable situation. The right of the subject and dignity of the crown were never occasionally explained by will or favouritism, but by the established language of the law; and a steady impartial observance of it formed the invariable rule of his conduct.—His charges to juries were not the charges of an Asiatic Cadi delivering his own will, but the charges of a British Judge in the land of liberty, and will be remembered for many years with pleasure by the lovers of freedom and oratory. In these he appeared more the guardian of the people than an officer of the crown; and hit that nice medium, as a distributor of justice, so strictly, that the offending party, whilst they felt the chastisement, could not help applauding the chastiser.—Though universal in his knowledge of the laws, his *forte* confessedly lay in common pleadings, with which he was more minutely acquainted than any man of his time. Sensible that his talents drew him more strongly this way, he, on the resignation of judge Clive, solicited to change from the King's Bench to the Common Pleas, wherein he succeeded, but which he did not long live to enjoy; his death, in 1770, depriving the world of one of the greatest judges of that court England perhaps ever boasted of.

Edward Willis, esq; one of the judges of the K. B. appointed July, 1770.

Constable of the castle,—Wadham Wyndham, esq.

Senescals,—David Hilton, esq; died 6th March, 1767.

Nich. Halhead, esq; appointed 30th March, 1767; resigned 1769.

Henry Wilkinson, esq; appointed 27th Sept. 1769; resigned 1783.

Registraries,—Nich. Halhead, esq; and the hon. John Trevor, appointed jointly and severally for their lives 21st Aug. 1769.——Mr Halhead surrendered in 1785; died at Tunbridge, Aug. 1785.

Attorney-general,—Fletcher Norton, esq; appointed 25th Dec. 1754; resigned in 1770.

James Wallace, esq; appointed in 1770; died Nov. 1783.

Solicitor-general,—Thomas Gyll, esq.—He executed the several trusts reposed in him with distinguished integrity: Was an able counsellor, though not eminent as an orator: His strict adherence to justice would not suffer him to yield to those embellishments of the bar which exceed the bounds of truth; so that he was less esteemed as an advocate than as a private adviser: He had a good taste in the fine arts; and in his more youthful days paid much

He was not given to wine; he was no striker, nor greedy of filthy lucre, but patient; not a brawler, not covetous. He ruled well his own house, having his family in subjection with all gravity; for if a man knows not how to rule his own house, how shall he take care of the church of God? He was neither a novice, nor lifted up with pride; and moreover, he had a good report of them which are without, so that he was free from all reproach."

On the 9th of April, 1771, he made his will, and therein gave the following charities:

	£.
To the poor of the parish of Glynd in Sussex ...	50
To the poor of Beddingham in Sussex	50
To the poor of St George's, Hanover-square, London	50
To the Infirmary at Newcastle upon Tyne	500
To Christ-Church college in Oxford	1000
To the corporation for relief of clergymen's widows	500
To the Westminster Infirmary	300
To the Small-pox Hospital	300
To the Society for propagating the Gospel	500
To the poor of Durham	100
To the poor of Auckland	100

attention to the study of antiquities, holding a literary correspondence with some of the first geniuses of the age: His person was tall, erect, and graceful; his features regular and handsome; and a pleasantry and affability sat on his countenance, which spoke the benevolence of his heart. He died a bachelor the 12th of March, 1780, æt. 80; and was buried at Barton, in the North-Riding of the county York, where an elegant monument is placed, with the following inscription:

Near this Wall is interred
THOMAS GYLL, ESQ.
Equally esteemed for his knowledge
of the Common and Canon Law, and for his
Integrity in the practice of both.
At the Bar an Advocate in the former,
On the Bench a Judge in the latter.
Nor was he less distinguished for his
Accuracy in the History and Antiquities
of his Country.
By a steady discharge of the duties of his
Station both in public and private life,
and by a constant and devout attendance
on the public Worship, he was an example
worthy of imitation.
He died in his 80th year MDCCLXXX.
To the Memory
of his truly valuable character,
Leonard Hartley
his nephew and heir
placed this Tablet.

In 1775, a most elegant marble monument was erected to his memory in the chapel of Auckland, with the following inscription:

RICHARDUS TREVOR
Cujus Lector, contemplaris Imaginem,
Filius natu Quartus
THOMÆ Domini *TREVOR* Bar: de *BROMHAM* &ca.
natus est *LONDINI* 30. Sept: A: D: 1707.
Cursum humaniorum Literarum
In Scholâ *EPISCOPO-STORTFORD* incohatum
In Collegio *REGINENSI OXON:*
Confecit.
In Collegium *OMNIUM ANIMARUM*
Socius co-optatus A: D: 1727.
In sacro-sanctos Ordines initiatus A: D: 1731.
Parochiæ de *HOUGHTON* cum *WITTON* in Com: *HUNT:*
Curam suscepit A: D: 1732;
Susceptæq; per XII: annos
Vigilanter, ac liberaliter incubuit.
GEORGIUM Secundum
Ad *HANOVERIAM* a Sacris comitatus A: D: 1735.
Eodem anno Canonicus *ÆDIS CHRISTI, OX:*
Regio jussu ascriptus est.
Episcopus *MENEVIÆ* consecratus est A: D: 1744.
Ibidemq; munere Pastorali per octennium
Perfideliter functus,
Deniq; in hanc *DIOCESIN,*
Quam dignissimè administravit,
Amplissimè exornavit,
Sibiq; arctissimè devinxit,
Translatus est A: D: 1752.
Diem supremum
Eâdem, quâ vixerat, Æquanimitate,
Obiit *LONDINI* 9. Junii A: D: 1771;
Ac in Æde Parochiali,
Quam suis sumptibus extruxerat
Apud *GLYND* in Com: *SUSSEX;*
Sepultus jacet.
Nulli non flebilis occidit;
Nulli flebilior quam suis Heredibus,
Quorum pietas hoc Cenotaphium
B: M: P: C:

The See was filled on the 8th of July, 1771, by the translation of

JOHN EGERTON, D. C. L.

from the bishopric of Litchfield: His *Congè d'Elire* arrived at Durham on the 27th of June: He did homage and received restitution of the temporalities on the 1st of August; was enthroned by his proxy, Dr Samuel Dickens, on the 2d of August; and in person on the 3d of September following.*

After presiding at Durham 17 years, Bishop Egerton died in London on the 18th of January, 1787, and was privately interred in St. James's Church, under the Communion Table, near his father. By his first wife Lady Anne Sophia Gray, daughter of Henry, Duke of Kent, Bishop Egerton left issue two sons, of whom the eldest became Earl of Bridgewater, on the death of Francis, the third Duke of that title, in 1803.†

THOMAS THURLOW, D. D. 1787—1791.

second son of the Rev. Thomas Thurlow, of Ashfield in Suffolk; Fellow of Magdalen College in Oxford, and Rector of Stanhope in the County of Durham 1771. In 1773 he was promoted to the Mastership of the Temple, and to the Deanery of Rochester in 1777. In 1779 he was consecrated Bishop of Lincoln; and held with his Bishopric the Deanery of St. Paul's. In 1787 he was translated to the See of Durham, which he only held during four years, dying in London May 27, 1791.‡

Hon. SHUTE BARRINGTON, D. D. 1791.

On the 10th of June, 1791, the Hon. Shute Barrington was translated from the See of Salisbury to that of Durham.

* Bishop Egerton adjusted the proportion of the land-tax, charged on the possessions of the See in London, and obtained a reduction of thirteen twentieths of what had been theretofore unjustly paid.

† Of Bishop Egerton's other children, John died young, Francis-Henry is Rector of Whitchurch, Salop, and Prebendary of Durham, and Amelia married Sir Abraham Hume, of Wormleybury, co. Herts, Bart. Bishop Egerton married secondly, Mary, daughter of Sir ——— Boughton, Bart. See a much fuller Memoir of Bishop Egerton prefixed to the 3d volume of this work.

‡ Bishop Thurlow left two sons, of whom Edward, the eldest, succeeded on the death of his uncle, the well-known Chancellor, to the second Barony of Thurlow, of Thurlow, created 12 June 1792.

Sixth and youngest son of John, first Viscount Barrington, Student of Christ Church, and fellow of Merton College, Oxford; Canon of Christ Church 1761. He proceeded LL. D. in 1762; and in 1768 was appointed Residentiary of St. Paul's; consecrated Bishop Llandaff Oct. 2, 1769; and translated to Salisbury 1782. His Lordship is one of the Trustees of the British Museum. He married, first, Lady Diana Beauclerk, daughter of Charles, Duke of St Alban's; she deceasing in 1766, he married, secondly, 20 June 1770, Jane, only daughter of Sir John Guise, of Rendcombe, in the County of Gloucester, Bart. Besides having edited the works of his noble father, the Bishop has published several occasional Sermons and Charges, and "A Letter to the Clergy of the Diocese of Sarum;" "Grounds of Union between the Churches of England and Rome considered, in a Charge delivered to the Clergy of the Diocese of Durham, at the Ordinary Visitation of that Diocese, 1810;" and an octavo volume of "Sermons, Charges, and Tracts."

Addressed to living merit, the voice of legitimate praise can scarcely be distinguished from that of flattery.

The revenues of this See cannot be critically shewn to the reader, as the officers in the several departments are not at liberty to exhibit to the public the amount of their respective receipts; and, indeed, it would be extending the eye of curiosity too far, to search into secrets which could give so little gratification. What is already made public, and commonly known to those resident in the county, will be given in an appendix to the second volume, with many other curious particulars.

The several manors belonging to the See of Durham.

CHESTER WARD.

CHESTER,
which comprises the townships of
Ryton, Whitburn & Cleadon,
Boldons.

LANCHESTER,
which comprises the townships of
Roughside & Rowley,
Benfieldside,
Butsfield, Broomshields, Colpighill & Satley,
Broom & Flass,
Burnop & Hamsteels,
Kyo, Billingside & Peth.

IVESTON in lease.

GATESHEAD in lease.

WHICKHAM in lease.

BEDLINGTON,
which comprises the townships of
Netherton,
Sleekburns,
Choppingtons,
Cambois.

DARLINGTON WARD.

BONDGATE IN DARLINGTON,
which comprises the townships of
Haughton,
Whessoe & Beaumonthill,
Sadberge,
Coatham Mundaville,
Blackwell,
Cockerton.

EVENWOOD,
which comprises the townships of
Killerby,
West Auckland.

BONDGATE IN AUCKLAND,
which comprises
Newton Cap,
Escomb,
Middridge,
Redworth,
Heighington,
Byersgreen,
Coundon.

WOLSINGHAM,
which comprises the townships of
Stanhope,
Bishopley,
Lynesack & Softly,
North Bedburn,
South Bedburn,

☞ The Bishop of Durham is also Lord of the Park and Forest of Weardale.

EASINGTON WARD.

EASINGTON,
which comprises the townships of
Cassop,
Shadforth,
Sherburn,
Shotton,

HOUGHTON,
which comprises the townships of
Burdon,
Tunstall,
Ryehope,
Herrington,
Newbottle,
Wearmouth,

STOCKTON WARD.

STOCKTON,
which comprises the townships of
Carleton,
Hartburn,
Norton.

BISHOP MIDDLEHAM,
which comprises the townships of
Sedgefield,
Cornforth.

The copyholds of all the bishop's manors are estates of inheritance, and descendable in fee. A certain small fine, called demise money, as marked on the margin of every surrender, and admittance, and is paid upon purchase, admittance of the heir, mortgagee, or other person, and cannot be enhanced at the will of the lord.—If any person purchases a copyhold, and takes the surrender absolute to himself, and his sequels in right, in such case he cannot devise the same by will, unless he previously

pass a surrender to a trustee to the use thereof; nor can the widow be entitled to her frank-bank, *durante viduitate et castitate*, unless her husband dies seised, and the legal estate not vested in a trustee.

The bishop is entitled to work or demise by lease all the mines; he is also entitled to all wood, which the copyholder cannot cut (unless for necessary repairs) without licence and composition first made with the bishop.

In Gateshead and Whickham manors, the surrenders must be presented to the homage or they are not legal; but in all the other manors, they passed before the steward or his deputies.

The Bishop's Demesne Lands, as surveyed in 1755.

	A.	R.	P.
Demesne lands of Auckland and the parks ...	808	0	22
Cotcliff wood, &c. leased to Mr James Colling ...	37	3	16
Clack demesnes, leased to Mr Colling	123	0	29
Stockton demesnes	456	3	0
Durham demesnes	35	0	19

The bishop of Durham has composition money upon fines levied, and recoveries suffered in the court of pleas at Durham, and upon all original writs issued out of the courts of the county palatine, where the debt or damages exceed 40l. and has all forfeited recognizances, fines, and amerciaments, set in the several other courts.

* *Endowment of the See, as it was given in* 1534, *with an Abstract of the Rental.*

	£.	s.	d.
Scitus castri Dunelm. cum cunagio monetæ ...	8	6	8
Reddit. in Darlington, et officium coronatoris ibid.	212	15	1
Reddit. et firm. et officium coronator. in Chester	486	6	5
Reddit. &c. in Easington	396	2	4
Reddit. &c. in Stockton	414	4	5
Reddit. &c. in Sadberge	290	12	8
Reddit. &c. in Auckland, Whickham, &c. circiter	630	0	0
Spiritualia	87	13	4
Summa totalis infra episcopatum Dunelm.	2398	1	11

* Willis's Cath. vol. i. p. 227.

In comitatu Norham, scitus castri, &c. de Norham, circiter	112	0	0
In co. Ebor. in Allerton et co. Allerton, scit. manor. &c.	241	11	3
Spiritualia in Allerton et co. Allerton	18	0	0
In libertate de Crayke, scitus castri, &c. ...	48	2	0
In Hovedon et co. Hovedon	284	10	5
Mansio episcopi in Londin.	18	4	5
Summa totalis ...	3138	9	8
Sed deduct. reprisal. ...	307	6	3
Sic valet clarè ...	2821	1	5

According to which sum, viz. 2821l. 1s. 5d. it was rated in the ancient payment of first fruits, but now reduced to 1821l. 1s. 5d. and which Browne Willis says, was done for very good reasons in queen Elizabeth's time, who, for the best part of her reign, notwithstanding what she took away, made all the bishops of this See (who were married men) pay and refund 1000l. a year out of their revenue, towards the keeping of garrisons in the northern parts to awe the Scots.

The Ecclesiastical benefices and Promotions in the gift of the Bishop of Durham, with the names of the incumbents in 1785.

	Incumbent, 1785.	Incumbents 1820.
All the twelve prebends in the cathedral church,	*See Volume* II.	
Archdeaconry of Durham, to which the rectory of Easington is annexed with 600 acres of glebe.	Samuel Dickens, D. D.	Richard Prosser, D. D.
Arcdeaconry of Northumberland, with parsonage of Howick annexed	John Sharp, D. D.	Reynold Gideon Bouyer, LL. B.

RECTORIES.

	Incumbents, 1785.	Incumbents, 1820.
Sedgefield	Jeffrey Ekins, D. D. dean of Carlisle.	Rt Hon. & Rev. Lord Viscount Barrington, M. A.
Houghton-le-Spring	John Rotheram	E. S. Thurlow, M. A.
Haughton	William Vaughan	Thomas Lemesurier, B. D.
Bishopweremouth	Henry Egerton	Robert Gray, D. D.
Sunderland	John Coxon	Robert Gray, M. A.
Whitburn	Benjamin Pye, LL. D.	Thomas Baker, M. A.
Gateshead	Robert Thorpe	John Collinson, M. A.
Ryton	Hon. Richard Byron	Charles Thorp, M. A.
Whickham	James Greville	The Hon. Ed. Grey, M. A.
Boldon	Henry Blackett	Hen. Geo. Liddell, M. A.
Washington	Edward Wilson	John Davison, B. D.
Stanhope	Rt. Rev. Thomas Thurlow, D. D. bishop of Lincoln	Henry Phillpotts, M. A.
Wolsingham	Charles Egerton	William Wilson, M. A.
Redmarshall	Thomas Holmes Tidy	Geo. Stephenson, M. A.
Egglescliffe	George Sayer	John Brewster, M. A.
Elwick	George Watson	Rich. Richardson, D. D.
Longnewton	Sir Henry Vane, bt. LL. D.	G. Stanley Faber, B. D.
Winston	Hon. Richard Byron	Frederick Mundy, B. A.

VICARAGES.

	Incumbents, 1785.	Incumbents, 1820
Norton	George Johnson	Christopher Anstey, M. A.
Stockton	Christopher Anstey	James Cundill
Coniscliffe	Henry Richardson	James Topham.
Kelloe	William Langstaffe	Robert Birkett.

CURACIES.

South Church, or St. Andrew, Auckland	Abraham Smith	John Bacon,
St. Helen Auckland	William Ironside	James Todd

VICARAGES IN NORTHUMBERLAND.

Haltwhistle	Hugh Nanny	N. J. Hollingsworth, M. A.
Whelpington	Nathaniel Clayton	Charles Gardner.
Stannington	Tho. Simon Butt	Timothy Myers.
Hartburn	John Sharp, D. D.	Thomas Davison, M. A.
Woodhorn	Henry Latton	Benjamin Kennicott, M. A.
Eglingham	Hugh Hodgson	R. Clarke Caswell, LL. B.
Wooler	Alexander Cleave	William Haigh, M. A.
Chillingham	Geo. Owen Cambrigde	Anthony Thomas, LL. D.

IN YORKSHIRE.

Birkby Rectory	Thomas Hook	Matth. Parrington, M. A.
Osmotherley Vicarage	Richard Hodgson	Thos. Marshall, M. A.
Leake Vicarage	Thomas Hook	Wm. Warrington, M. A.

☞ The particulars of each benefice will be given in the parochial account in Vol. II.

OFFICERS OF THE SEE OF DURHAM, in 1785, & 1820.

OFFICERS IN 1785.	£.	s.	d.	OFFICERS IN 1820.
Court of Chancery and Exchequer.				*Court of Chancery and Exchequer.*
Chancellor,—Hn. Ed. Willes, esq. a judge of the K. B. ap. 1770. Patent Fee	62	13	4	R. Hopper Williamson, Esq.
Register,—George Brooks, esq. 1777. George Pearson, deputy.				...Thomas Henry Faber, Esq. ...John Gregson, Esq.
Cursitor,—George Brooks, esq. 1780. Samuel Castle, deputy				...The Hon. George Barrington ...Henry Donkin, Esq.
Examiner,—Hendry Hopper, 1780				...Henry Donkin, Esq.
Attorney General,—John Lee, esq. 1783.	5	0	0	...James Scarlet, Esq. K. C.
Solicitor General,—Chr. Fawcett, esq. 1780.	2	0	0	...Jonathan Raine, Esq. K. C.
Auditor,—George Brooks esq. 1783. Samuel Castle, deputy	20	0	0	...Thomas Henry Faber, Esq. ...Henry Donkin, Esq.
Receiver General,—Cr. Johnson, esq. 1745	9	0	0	...A. Mowbray, Dep. P. Forster
Exchequer Bailiff,—Sam. Castle, 1783.				...John Hobson, Gent.
Court of Pleas.				*Court of Pleas.*
Judges,—the Justices.*				...Judges,—the Justices.†
Prothonotory,—William Hugall, 1768, John Griffith, deputy	8	0	0	...Thomas Thurlow, Esq. ... Thomas Wilkinson, deputy.
Sheriff,—Sir Hed. Williamson, bart. 1771 Bowes Grey, esq. deputy	10	0	0	...Hon. Wm. Keppel Barrington ... John Griffith, esq. deputy.
Clerk of Peace,—Geo. Pearson, esq. 1783	3	0	0	Barrington Price, Esq. John Dunn, esq. deputy.
Clerk of Crown,—Rich. Radcliffe, 1783				...John Wetherell Hays, esq.
County Clerk,—Chr. Johnson, esq. 1749 Chr. Johnson, junr. deputy.				...John Hodgson, Esq. ...Henry Donkin.
Gaoler,—Thomas Bungay, 1778				... John Wolfe.
Coroners.				*Coroners.*
Darlington Ward,—Henry Ornsby, 1783	6	13	4	...Thomas Bowes, esq.
Stockton Ward,—William Banks	2	6	8	...Joseph Frank, esq.
Easington Ward,—Robert Clark	3	0	0	... Peter Bowlby, esq.
Chester Ward,—William Charlton	4	0	0	... Michael Hall, esq.

* They are annually appointed by commission from the Crown previous to the assizes, which any two or more of them are empowered to hold; they sit in bank, hear and determine all pleas, pass fines and recoveries, settle rules of practice, &c. and adjourn *de die in diem.*

† The commission is generally filled up with the same names as the commission of the peace, with the addition of the aldermen of Durham.

OFFICERS IN 1785.	£	s.	d	OFFICERS IN 1820.
Stewards and other Officers of the several Halmot Courts.				*Stewards and other offices of the several Halmot Courts.*
County at large, including Bedlingtonshire. } Geo. Brooks, esq. 1780	22	0	0	Hon. George Barrington.
George Pearson, deputy.				...John Griffith, Esq.
Clerk,—John Wm. Egerton, esq. 1779	3	13	4	...Sam. Price, Esq.
John Griffith, deputy.				...John Griffith, Esq.
Allertonshire, in the county of York. } Fletcher Norton, esq. (now lord Grantly) and William Norton, his son,—joint lord high Stewards, 1761	10	0	0	Lord Grantley.
William Ambler, esq. under steward, 1785				...Fletcher Rigge, Esq.
John Wailes, clk. receiver and bailiff, 1784,	8	18	8	...John Saunders Walton.
Howdenshire. } Hon. Fletcher Norton, high steward, 1773	7	6	8	
——————, under steward.				...
Robt. Spofforth, jun. clerk, 1784	1	6	8	...Robert Spofforth
Blencow Dunn, receiver, 1777	10	0	0	...Robert Dunn.
Rich. Jenkinson, bailiff and coroner, 1771	3	6	8	...
Stewards of the several Boroughs.				*Stewards of the several Boroughs.*
Durham,—Wm. Ambler, esq. 1784.				...Recder of Dur. W. Hoar, Esq
Darlington,—Hen. Ornsby, 1774	2	10	0	...Thomas Bowes, Esq.
Auckland,—Chr. Fawcett, esq. 1773	1	6	8	...Geo. Hutton Wilkinson, Esq.
Stockton,—Robt. Preston, jun. 1781	0	10	4	...Recd. of Stock. Leo. Raisbeck
Gateshead,—Chr. Fawcett, esq.				...
Sunderland,—Geo. Storey, esq				...
Bailiffs of the several Manors or Boroughs.				*Bailiffs of the several mrs. & Bors.*
Darlington,—Hen. Ornsby, 1774	2	10	0	...John Burrell, Esq.
Auckland,—Geo. Brooks, esq. 1769	5	0	0	...Thomas Henry Faber, Esq.
Evenwood —— ——	0	13	4	...Thomas Hope
Stanhope,—Tho. Dixon, 1771	2	0	0	...George Muschamp.
Wolsingham,—John Wren, 1746	2	0	0	...Thomas Davison.
Whickham				...
Lanchester,—Matt. Beck, 1778	2	0	0	...Robert Lamb.
Lynsack Bedburn,—Wm. Dowson	1	6	8	...
Stockton,—John Gill	6	13	4	...Edward Moss.
Sadberge,—Robt. Clark, also keeper of the gaol there, 1783	2	0	0	
Middleham,—John Gill	1	0	0	...William Moss.
Coatham Mundeville, } Chr. Johnson, 1748	2	13	4	John Burrell, Esq.
Chester,—Ambrose Campen, 1782	1	6	8	...Edward Moss.
Bedlington,—Chr. Johnson	2	6	8	...Richard Wilson
Durham Castle.				*Durham Castle.*
Constable, { John Wm. Egerton, esq. 1779	14	0	0	Sir Thomas Clarges, Bart.
{ For a robe, ...	0	13	4	
Steward,—Sam. Castle, 1783.				...Thomas Davison
Porter,—Ambrose Campen, 1782.				...Isaac Halse.—Dep. Geo. Salt
Auckland Castle and Park.				*Auckland Castle and Park.*
Keeper,—Daniel Dew, esq. 1771	2	0	0	...
Darlington Manor House.				*Darlington Manor House.*
Keeper,—Chr. Johnson, esq. 1748,—4 qrs. of wheat from the copyhold tenants of Blackwell.				John Burrell, Esq.
Forester and Receiver of Weredale.				*Forester and Rec. of Weredale.*
Thomas Dixon, 1754	8	13	4	...Emerson Muscamp, 1791.
Keepers of Woods.				*Keepers of Woods.*
Birtley,—Dan. Dew, esq. 1771 (1d per day)	1	10	5	...The Hon. August. Barrington
Auckland,—John Wm. Egerton, esq. 1773.				...
Frankland,—Ditto.				...Rev. Chomley E. J. Dering.

OFFICERS IN 1785.	OFFICERS IN 1820.
Gamekeepers of the several Manors.	*Gamekeepers of the several Manors.*
— — — —	...
— — — —	...
— — — —	...
Librarian,—George Brooks, esq.	...The Rev. Patrick George.
Masters of Hospitals and Schools.	*Masters of Hospitals and Schools.*
Sherburn,—Rev. Tho. Dampier, dean of Rochester.	...Rev. A. Bell, DD. & LL.D.
Greatham,—John Wm. Egerton, esq.	...Rt. Hon. Earl of Bridgewater
Gateshead,—Rev. Robt Thorpe, rector of Gateshead.	...Rev. John Collinson.
Barnardcastle,—Rev. Wm. Lipscomb——This in the gift of the lord high chanceller, the others in the bishop of Durham.	Rev. W. Lipscomb, who voted in respect hereof at the Election, 1820.
Durham Song School,—Wm. Burnett, 1783.	...Charles Camidge.
SPIRITUAL JURISDICTION.	SPIRITUAL JURISDICTION.
Chancellor,—Geo. Harris, LL.D. Oct. 1779.	J. Baker, M. A. June, 1818.
Surrogate and Seal-keeper,—Sam. Viner, 1780.	
Registrars,—Hon. John Trevor, and John Brooks, jointly, 1785.	John Trevor, and John Brooks.
Wilkinson Maxwell, deputy.	...John Burrell
Proctors,—Peter Bowlby, LL.D. 1st Feb. 1750.	...P. B. Marsden.
John Hays, 11th Nov. 1763.	...Robert Burrell.
Geo. Wood, 20th July 1764.	...Thomas Marsden.
Peter Bowlby Marsden, 30th March, 1781.	...John Burrell.
Apparitor,—Rouse Compton, 1770.	...Edward Guilding.
Robert Croudas, deputy.	..Thomas Gore.
Archdeacons.	*Archdeacons.*
Durham,—Sam. Dickens, D. D.	...Rev. Richard Prosser. D. D.
Official,— ——— ———	...Rev. Tho. Lemesurier, B. D.
Registrar,—Geo. Wood, 29th Dec. 1774.	..John Griffith, esq.
Northumberland,—John Sharp, D. D.	...Reynl. Gideon Bouyer, LL.B.
Official,— ——— ———	... ——— ———
Registrar,—Geo. Wood, 29th Dec. 1774.	Robert Thorp, Esq. Robert Burrell, Deputy
Chapter of Durham.	*Chapter of Durham.*
Official of the officiality of the dean and chapter of Durham, and master-keeper or commissary of their peculiar and spiritual jurisdiction in Allerton and Allertonshire,—Sam. Dickens, D.D.	...Rev. Gideon Bouyer. LL. B.
Registrar,—Geo. Wood, 28th Jan. 1775.	...Robert Burrell.
Keeper, or vicar general, and official principal in spiritual matters of the peculiar jurisdiction of the dean and chapter of Durham, and of Howden, Howdenshire, Hemingburgh,—Robert Pierson, M. A. 20th Nov. 1770.	...Henry Dickens, Esq.

END OF THE FIRST VOLUME.

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